Supreme Court, U. S.
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IN THE

SUPREME COURT OF THE UNITED STATES

No. 77-38

ANNIE MARY TIMMONS, Petitioner,

versus

THOMAS C. LAWTON, JR., et al., Respondents
AND OTHER RESPONDENTS HEREIN

Motion for Leave to File Petition
for Extraordinary Writs

and

Petition for Writs to the
United States Court of Appeals
for the Fourth Circuit
and Other Parties

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IN THE

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ANNIE MARY TIMMONS, Petitioner,

Versus

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AND OTHER RESPONDENTS HEREIN

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MOTION FOR LEAVE TO FILE PETITION
FOR EXTRAORDINARY WRITS

THE PETITIONER, in desperate need of help that can come only from this court, the highest in the land and the sole authority bestowed with the power for judicial action in cases of extreme emergency, HEREBY MOVES THE COURT for leave to file a petition for extraordinary

writs* of mandamas and/or prohibition and/or injunction against the following:

The Honorable Albert V. Bryan, Senior United States Circuit Judge; The Honorable J. Baxter Craven, Jr.; and The Honorable John A. Field, Jr., of the United States Court of Appeals for the Fourth Circuit, Richmond, Virginia; and other parties, namely, the Respondents in the instant case of Thomas O. Lawton, Jr. et al, namely, Thomas O. Lawton, Jr., Mrs. O. T. Smith, Alderman Duncan, Wayne W. Freeman, Mrs. William Close, W. Wright Bryan, Mrs. Laura J. Quattlebaum, Rufus W. Cosnell, George C. Rogers, Jr., Joseph B. McGee, Jr., Dr. Joe M. Lesesne, Thomas E. Thornhill, Dr. Maceo Nance, and James M. Barnett through their Counsel, The Honorable Daniel R. McLeod, The Attorney

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*28 U.S.C. 2403 may be applicable. Petitioner, just presenting the different issues of this case, does not know whether or not any court has certified to the Attorney General the fact that the constitutionality of Act of Congress was drawn in question in any of these issues that are integral parts of this petition.

General for the State of South Carolina, Columbia, S. C.; The Honorable Robert H. Bork, the Solicitor General, Department of Justice, Washington, D. C. 20530; The South Carolina State Legislature through The Honorable Brantley Harvey, Lt. Governor of the State of South Carolina and President of the South Carolina Senate; and The Honorable Rex Carter, Speaker of the S. C. House of Representatives, both of the South Carolina Legislature, Columbia, S. C.

The Honorable Donald Alexander, Commissioner of Internal Revenue, Washington, D. C.; Mr. Joe Winter, Head Rehabilitation Department of the City of Columbia, City Hall, Columbia, S. C.; The Honorable Woodrow Lewis, Chief Justice of the South Carolina Supreme Court, and Associate Justices: The Honorable Bruce Littlejohn, The Honorable Julius B. Ness, The Honorable W. L. Rhodes, Jr., The Honorable George Gregory, Jr., all with address, S. C. Supreme Court, Box 11330, Columbia, S. C.; The Honorable John Grimball,

Judge of the Court of Common Pleas, Richland

County Courthouse, Columbia, S. C.; The Honorable George Bell Timmerman, Judge of the Court of Common Pleas, in care of the Lexington County Courthouse, Lexington, S. C.; and Mr. Billy L. Williams, President of The First Federal Savings and Loan Association, 615 Knox Abbott Drive, P. O. Box 123, Cayce, S. C.

Mr. Robert Fowlkes, Fowlkes Agency, Inc., 1600 Bull St., Columbia, S. C.; The S. C. Tax Commission through Mr. C. H. Brooks, Director Income Tax Division, Columbia, S. C.; Arthur T. Cole, 2801 Devine St., Columbia, S. C.; The Honorable John T. Campbell, Mayor of the City of Columbia, City Hall, Columbia, S. C.; The Honorable Sol Blatt, Jr., Judge United States District Court of the District of South Carolina, Columbia, S. C.; Mr. Robert V. Royall, Jr., President Citizens and Southern National Bank of S. C., Jefferson Square, Columbia, S. C. 29222; and Mr. Paul W. Cobb, Chief Highway Commissioner, Box 191 - 1100 Senate Street, Columbia, S. C. 29202; Hon. Robert C. Wasson, Chairman,S.C. Tax Commission,1100 Senate St.,Columbia,S.C.29292.

IN THE ALTERNATIVE the petitioner moves for leave to file her petition for whichever of these writs to whatever parties the court in its wisdom would allow with substitution of any other writs to any other parties it might prefer in lieu of the ones petitioned for here for the obtaining of quick relief and justice for her.

Note: The petitioner begs the indulgence of the Court as to the length of this motion and petition which are necessarily so because they cover 33 issues instead of one.

The petitioner also begs forgiveness for any inaccuracies and asks for an opportunity to correct same because she is struggling every minute to live, to get her case to this Court, to try to recover her rights, and to save her property without any help or legal representation against the awful odds of not only physical weakness and want but also blindness and terror that comes with the absolute necessity to see and the inability to do so.

THE URGENCY OF THE NEEDS OF THE

PETITIONER as to subsistence, protection of her properties, and preservation of her life together with the NATURE AND CIRCUMSTANCES GOVERNING EACH WRIT CALLED FOR FULLY JUSTIFY THE GRANTING OF THIS MOTION for leave to file petition, as is pointed out in the following requested writs with particulars concerning each one of these widely varying matters of such integral relationship as to constitute one case and so very urgent as to be the reason for the granting of the motion:

1. All parties involved herein or in connection herewith TO STAY ALL PROCEEDINGS AGAINST THIS PETITIONER IMMEDIATELY TO WORK TOWARD MAKING AMENDS for injuries heaped upon her, forced into a desperate state of want and suffering by outside unjust interference and illegal, fraudulent acts beyond her control (Pet. for Re S Ct. at p. 8),with her buildings representing 40 years of intense work and investment being burned around her (See news story app. herein at p. 275, Petition for Re S. Ct. at p. 9), with her one building furnishing a roof over her head now being

unjustly foreclosed because of false publicity in the newspapers by a city official when all payments had been made at the time the foreclosure was begun as shown in detail by her affidavit (app. herein at p.271),with all her remaining properties (including the same roof being foreclosed) in the hands of a false claimant named John McGrath,* with other false-claim cases carrying tremendous risks bearing down upon her for immediate settlement (App herein at p.255, Pet. for Re S. Ct. pages 10-15) with the only possible means of legal representation being judicially

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John McGrath fraudulently put a lien of $100,000 on all petitioner's properties which she learned from a news story mailed to her (App. herein at p.). This lien was reduced to a $35,000 judgment holding more than a million and one half dollars worth of property when not illegally controlled as now by a city official who refused her permits to repair her buildings since 1971 while publicizing lies as to her absence from the state and her refusal to repair her buildings (App at p.) and rendering her property completely non-productive. Petitioner had a hard-earned wealth of property dormant at her door with her ownership limited to only the paying of taxes considered to be an impossible feat under the circumstances of the taking of her Laurel Street Complex.

withheld (App. herein at p. 275, with the momentum of violence being increased by adverse conditions, and with her life in constant danger without any financial means whatever for the protection of her property and life (pet. for Re S Ct. at p. 9) - all on account of the loss of the last vestige of her constitutional rights and the complete deprivation of her civil rights as held in 42 U.S.C. 1983 resulting from the DENIAL OF RECOURSE through the courts May 26, 1976, June 21, 1976, and Jan. 25, 1977 in connection with the instant case (App. herein at p.241, p.243, p. 257).

On Feb.14, 1977 a prominent news story came out in The Columbia Record with this head line stretched across the page: "Now Miss Timmons Really Needs a Miracle" (App. herein at p.276). There never was a truer statement than that, however intended, and it is so much more true June 17, 1977 than Feb. 1 when it was written. Only the Supreme Court has the power to put a stay on all actions pending against this petitioner to save her quickly from destruction and afford a little time for proper judicial action. The petitioner pleads for such stay.

The house in which she is existing, condemned illegally by a city official and the only place out of her 235 units she built and owned before the taking that she can bolt a badly damaged door and remain even if in jeopardy.

The false claimant McGrath having a judgment with lien over this house also as well as her other properties obtained an order signed by the Clerk of Court for payment to him of $38,416.11 (App. herein at p.260 and a sheriff's sale for July 5, 1977 (App. herein at p.261). The First Federal Savings and Loan also has a judgment against the same house and a city official is trying to get the property for some purpose. The 3 actions are explained separately in the petition.

2. The Appellate Justices for the Fourth Circuit aforenamed TO VACATE THEIR

AFFIRMANCE May 26, 1976 (App. herein at p.243) of the decision of The Honorable Robert F. Chapman of the District Court of the District of South Carolina with the judgment that "Annie Mary Timmons take nothing of defendants" (App. herein at p. 251) unchanged by the denial of petition for rehearing June 21, 1976 (App. p. 241), for the reason that such affirmation was based on some untrue statements, false premises, omitted truths, twisted procedures, improper consideration of Federal questions, and serious departure from the accepted and usual course of judicial proceedings required by Rule 19 (b) of the Rules of the Supreme Court. (See Appellees' brief U. S. Court of Appeals, p. 5 and p. 6; App. U. S. Court of Appeals at p. 24 - 26; footnote Appellees' brief at p. 5; and petition for Re S. Ct. pages 24 - 28) all of which are fully explained under reasons for granting writs).

3. Aforesaid Appellate Court Justices TO ARRANGE A HEARING on the merits

of the case of the respondents Thomas O. Lawton et al herein involved before a proper Federal Court, preferably one away from Columbia, S. C., where false propaganda has thus far operated as a preclusion to justice, in order that this petitioner be afforded a fair trial and the exercise of her constitutional rights heretofore denied (App. herein pages 8, 12, 13, 14, 15, 19, 20). She is entitled to the jurisdiction of a Federal Court because of diversity of citizenship and other reasons amplified in the petition such as affirmance of Court being based on untrue statements, misapplication of res judicata, consideration of the wrong piece of property, as well as involvement with federal funds and many violations of federal laws (Pet. for Cert.33-41 App. at 239,241).

4. Aforenamed Appellate Court Justices TO REQUIRE RESPONDENTS in the case of Thomas O. Lawton et al through their counsel of record, The Honorable Daniel R. McLeod, who is also the Attorney General for the State of South Carolina and could in the capacity of his function be very helpful in respect

to emergency aid to take care of the following needs of this petitioner:

(a) SUBSISTENCE, for which petitioner has been forced to beg or borrow since the respondents in the instant case took her rich income property and with it even her livelihood, which has been cut off in disgust by her last creditor (pet. for Re S Ct. at p. 13) because of her failure to gain long-hoped-for recourse in court. It's hard for anyone to remain loyal to a loser who never wins (Pet. for Re s Ct. p. 13).

(b) PROTECTION OF PETITIONER'S PROPERTIES, being destroyed by deliberately-set fires (14 since Sept. 1976 with 2 of them February 11 - 12, 1977 being far more destructive and dangerous since the last denial of recourse in court on January 25, 1977 in connection with the respondents' acts in the instant case) is mandatory to preserve any part of the fortune already spent on these properties and to maintain them for future use (pet. for Re S. Ct. at p. 15 and App. at p. 274).

(c) THE SAFE-GUARDING OF PETITIONER'S LIFE, threatened more and more by violence since her last denial of recourse in the instant case, requires some financing to be effective.

Petitioner desires aid for purposes of subsistence together with protection of properties and life only until a hearing can be held to resolve the real issues causing all these distressing conditions, which are integral parts of the illegal and fraudulent taking of her property, resulting in the loss of her constitutional rights (pet. for Re S. Ct. at p. 15), denial of recourse in court and her chance for redress (pet. for Re S. Ct. at p. 14, 33; App. herein at 243 , 251 , and 241). Restoration of said rights would make forced emergency measures unnecessary.

However, should the respondents not desire such hearing, the problem could be solved by their paying for the property wrongfully taken.

5. Should the Attorney General not be able to act in this matter, the South Carolina State Legislature TO APPROPRIATE A REASONABLE SUM FOR THE BENEFIT OF PETITIONER specifically and only until hearing of the case of Thomas O. Lawton, Jr. et al in court "on the merits" shall have been accomplished unless the respondents do not desire a hearing in which case to order a definite appropriation for petitioner as payment in full in a lump sum for her property taken illegally and fraudulently or to order by arrangement payments of $350,000 per year for 20 years, which amount would represent less than one-half of the damages originally computed as lifetime returns on the property taken (Pet. for Re S. Ct. at p. 12; App.C.A. at

6. The Commissioner of Internal Revenue of the United States TO REFUND THE $75,695.73 wrongfully collected by him (App. at pages 277-280 ; Pet. for Re S. Ct. at p.10) from the fund allegedly set aside by the respondents as payment for petitioner's property (Petition for cert. S. Ct. at p. 6;

and App. herein at 280) which amount was erroneously collected on September 7, 1976 (pet. for Re S. Ct. at p. 12) from the fund reportedly the property of the petitioner, after the case was scheduled for hearing on November 3, 1976 before the U. S. Tax Court (App. herein at 277), despite the fact that petitioner lost $3,449,030.97 in the year 1970 because of the respondents' taking of her rich income property (pet. for Re S. Ct. at p. 11; App. at p.), without consideration for the loss of a fortune on her remaining properties rendered non-productive and useless by the respondents' taking of the Laurel Street Complex (App. herein at 278 ; Pet.for Re S. Ct. at p. 12) and without consideration for the fact that, had the petitioner been paid the money allegedly set aside for her, her loss would still have been $3,449,030.97. She did not get any compensation, but the loss was computed on the basis of the one tenth value allegedly placed in the keeping of the Court as payment for

her property.

Petitioner's efforts to get a hearing on the merits before the United States Tax Court revealed the fact that the Commissioner was fighting to deny her jurisdiction because of his claim to have sent a deficiency notice in 1973, 3 years prior to collection, to an address in Mississippi which was never her address and about which alleged mailing she knew nothing (pet. for Re S. Ct. at p. 11). A hearing was held on the matter of jurisdiction November 3, 1976 and briefs ordered to be written (App. herein at p.256). This brief was due June 6, 1977 and she, physically unable and with failing eyesight, is still unable to do the work herself after the Tax Court has kindly granted her 2 extensions. One lawyer said he thought he could get to new work in June but petitioner fears that will be too late. The situation is terrible to have to prepare legal papers without having attended law school, without eyesight, conveniences, subsistence or means with which

to employ an attorney.

All of these painful conditions are due to the paralyzing effects of the taking of her chief income property, her business, her home, and her present, past, and future life by the respondents in the instant action without any compensation at all (App. for Re S. Ct. at pages 11, 13, 26, 27).

Anyway, the money should be refunded without so much struggling to get a hearing because of the manner of the sending of a deficiency notice and the withholding of information concerning it as fully explained in petitioner's motion to the Tax Court (App. herein at pages 281-294).

The assessment was illegally made and collected. The commissioner didn't take tax on money received. He took all the money, and the taxpayer got nothing for her 26 years of toil and investment on the property taken and lost 40 years' toil and investment on that and other properties because of it.

The money should be refunded without

further ado whether or not the Tax Court ever takes jurisdiction because the commissioner took it without even the slightest consideration for the cost of the property taken and the resulting loss on same in addition to the facts that the U. S. Tax Court was considering taking jurisdiction of the case, and the deficiency notice had been illegally sent without her knowledge. (pet. for Re S. Ct. at p. 11).

Petitioner has also received a 10-day notice bill for $8,640.75 in addition to the wrongful collection of the $75,696.73 under the condition just described, not one penny of which is due (App. at 318), as she had already lost $3,449,030.97 by the respondents' taking of her property. This bill should be cancelled simultaneously with refund of the $75,695.73 (App. at pages 316-320)

7. Mr. Joe Winter, Head of the Rehabilitation Department, City Hall, Columbia, S. C. TO STOP USING HIS OFFICE for the confiscation of all petitioner's remaining properties accomplished thus far by publi-

cizing falsely that the owner "absconded" the state (App. herein at 297) to escape creditors (after 40 years spent in paying creditors she had only 2 left on record at that time with both of whom she had an excellent standing), couldn't be found anywhere by anybody,* and refused repeatedly to repair her buildings while at the same time she was and is being officially denied a permit to repair her buildings (Pet. for Re S. Ct. at p. 13, 14) and has been persecuted beyond belief, suffering the theft of building contents worth over $300,000 and untold sabotage on the increase constantly by reason of denial to the owner of a building permit for repair work as damages occur. (App. at p.298; Pet for Re S. Ct. at p. 13).

Mr. Winter's role in the downfall of petitioner's properties was and is so closely intertwined with the illegal taking by the

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*He and many others were in constant communication with her directly and through attorneys and knew she was at death's door from anemia due reportedly to lack of the necessities of life caused by the taking of her rich income property by the respondents in the instant case.

respondents Thomas O. Lawton, Jr. et al in the instant action as to be one and the same. Prior to the taking of the Laurel Street Complex by respondents the city and the Tricentennial agreed in 1968 on the side to take petitioner's property by its power of eminent domain and hand it over to the Tricentennial Commission but not for the purpose of carrying out its own function as constrained to do. City notes reveal this collusive attempt quite clearly. Failing in that collusive agreement, the city or Mr. Winter is now persecuting this owner to take her remaining properties (App. herein at p. 299).

The unreasonable and inhuman demands of the respondents Thomas O. Lawton, Jr. et al for removal of enough valuables to fill a city block in 30 days time without means or room to put them and the subsequent necessity for the owner to fill her remaining properties with 40 trailer vanloads of items left after the theft of much of the most valuable storage furnished a great opportunity for Mr.

Winter to get a winning start in the confiscation of the owner's remaining properties (Pet. for Re S. Ct. at p. 14). With her buildings filled with the Laurel Street goods ordered out by the respondents, Mr. Winter then CONDEMNED ALL THE BUILDINGS BECAUSE THEY WERE FILLED WITH EMERGENCY STORAGE and refused to allow repairs.

Since 1971 the petitioner has tried to get building permits to make any repairs to damages to her buildings and has been refused. When she was forced to fill the buildings with storage, they were in perfect working condition down to every wire and pipe. The storage was to be temporary but Mr. Winter made it permanent. His condemnation destroyed the buildings. By false and derogatory publicity he gave the green light to thieves and some others seeking to get control of valuable property without paying for it. (Pet. for Reat p. 15). Destruction and theft took over, fires raged, and as a result the owner finds herself in the awful condition necessitating the filing of a

petition for help (Pet. for Re S. Ct. at p.13, p. 44). Read other experiences (App.at 316-321).

Such scheming has gone a long way when it leads to the arrest of a feeble old lady on a made-up criminal charge. Upon her first return to Columbia about Nov. 25, 1975 after several years of near-death illness and before the doctor released her for travel, Mr. Winter swore out 6 criminal warrants against the petitioner and had her arrested in the courtroom with threats of handcuffs and being dragged from the courtroom if she objected (App. herein at 300). About 1½ hours after the jury began deliberating on the verdict in the case of the false claimant McGrath against the petitioner for which she had returned to Columbia she was marched across the courtyard to go to jail where the jury could see her. (App. herein at 285-290).

There had been no crime committed, no misdemeanor, no nothing. It seems she had failed to repair 6 buildings with 72 living units during the few hours she had been in

Columbia, ill and penniless as she had been since the stealing of her property in 1970, when such a job could easily require from 1 to 2 years time for a builder with all comforts and lavish resources with which to do the work. Mr. Winter seems determined to demolish the buildings (App. herein at 306,307). to charge a price for so doing which price she is precluded from having by his illegal condemnation of her buildings, to seize the property as payment for demolition, and, according to gossip, etc. to turn the property to some moneyed individual.

The petitioner needs and wants the cooperation of Mr. Winter but cannot endure such rank injustice and disregard for constitutional rights. Unfair official discrimination against a property owner is murder. This owner is in dire need of help that comes only by proper recourse in court for the recovery and protection of her rights.

8. The Justices of the Supreme Court of South Carolina TO VACATE THEIR AFFIRMATION of the lower court decision of Feb. 11,

1977 and the denial of petition for rehearing Thursday, May 5; and/or TO STAY THE EXECUTION OF THE JUDGMENT for $35,000 over all her properties held by the false claimant McGrath who was employed to bring a damage suit against the state for the illegal and fraudulent taking of the petitioner's main income property seized by the respondents in the instant case Thomas O. Lawton, Jr. et al without compensation but who upon seeing her remaining properties devoted all efforts towards stealing them for himself and never even touched the damage suit at all;

And/or TO ORDER A HEARING IN FEDERAL COURT since South Carolina had no jurisdiction over a contract made in Florida and not carried out anywhere, and John McGrath was not even a member of the bar in Florida or South Carolina (App. 308,309 &Ill.S. Ct. Lozoff v Shore-Heights, Lts. 4/5/77) nor did he represent the petitioner at all in the state of South Carolina beyond the picking up of a check for a creditor for

his own satisfaction on the one trip to Columbia he was authorized by contract to make for the filing of a damage suit, which he never touched at all.

Instead of carrying out the simple terms of the contract he went to Columbia again and again and employed attorneys there to gather information for him such as property plats, etc. , all of which petitioner already had, to testify for him, and otherwise assist him in his purpose of confiscation to be carried out under the guise of working in behalf of the petitioner.

He created false bills against her for purposes of the hearing only and based his claim on a foundation of complete falsity. He demanded expenses of $100,000 from the petitioner to pay himself and his professional aides for the evil deeds committed against her in the attempted confiscation of her own valuable properties.

A verdict of $35,000 was obtained by presentation of a complete creation of lies in a court where petitioner's lawyer

was excused from the case as it opened and another one entering the case was denied time even to look over the record before starting the trial. The trial of the case was also characterized by much unintelligible jargon by McGrath, by testimony of an expert who adjudicated the case for the jury to make his expertise apply thereby misrepresenting the entire matter, and by a false arrest of the petitioner on criminal charges in the courtroom to prejudice the jury, as no crime or misdemeanor had been committed. Petitioner's 68-page factual brief clarifies the case and is available if the Court will allow submission of it. Record was sent to U.S. S. Ct.

9. The Honorable John Grimball, Judge of the Court of Common Pleas TO ACCOUNT FOR THE DISPOSITION OF MONEY IN THE AMOUNT OF $325,000 from Federal Grant funds allegedly in payment for petitioner's property but never paid to her.

10. The Honorable John Grimball and/or Robert Fowlkes TO REFUND APPELLANT PAYMENT MADE TO FOWLKES FOR $9,644.90 (reduced a

little from the $10,000 false claim to avoid possible appeal in Federa[illegible]ourt) from the $325,000 in the Court's keeping allegedly belonging to petitioner.

The petitioner did not owe Robert Fowlkes this money, and no one was authorized to pay it. Therefore, it must of necessity be returned to her by Judge Grimball or Robert Fowlkes. He in fact represented the Tricentennial Commission with every word he uttered apparently by agreement reached just prior to his testimony at the condemnation trial which testimony has disappeared from the face of the earth according to report. The petitioner could not get a penny of the money but her enemies seemed to have little difficulty collecting any amount desired.

Prior to the so-called trial petitioner heard Fowlkes say in the presence of Attorney Cole that he had appraised the Complex and found it to be worth "better than 3 million dollars" and would so testify, but after his apparent agreement with the

Tricentennial attorney he couldn't bring himself to say that all the wealth of buildings amounted to even $1.00 in value.

At the time Judge Grimball paid this unauthorized claim to Fowlkes he was petitioned with signed consent of the owner for payment of 2 mortgage balances, one to the C & S Bank and one to the First Federal Savings and Loan, but he refused to pay these just balances then and forever after. Instead, he paid a false claim to Fowlkes without her knowledge or any authorization whatever.

The petitioner suffered agony over his refusal to pay the true debts and his alacrity in paying false claims. Because of his abuse of discretion and his arbitrary refusal to pay the small remaining balances the First Federal is now foreclosing on the only possible roof over petitioner's head at this time and can take it any minute now.

At that minute petitioner will have no place to lay her head while trying to exist long enough to meet required court hearings.

11. The Honorable John Grimball and/or Attorney Arthur T. Cole TO REFUND THE $18,409.60 paid to Cole which was neither due nor authorized. According to his agreement with petitioner he had already been paid in full for his misrepresentation before this paying-off by the judge ever took place. He did her only harm. When an attorney was in order, he was in hiding. When he was not in hiding he killed any chances she may have had to win a fair award.

On the first day of the trial, on which day he couldn't represent the petitioner because of the serious condition of his throat which the heartless judge ignored except to toss him an occasional pill alternately with the Tricentennial attorney's tossing, Cole was of no service whatever to the petitioner through no fault of his own. She couldn't represent herself in Court with an attorney physically present, and he couldn't speak above a whisper.

After the first day he appeared to be in tune with the Tricentennial attorney. The

time came when she tried to dismiss him in Court but was not allowed to speak. Out of Court he could not be found. After the trial was over he remained in hiding. When a lawyer tried to enter the case for appeal purposes he would refuse to answer the phone or his door (his home as he had no office at that time), or to allow any contact to be made with anyone seeking him. That ended all hope of appeal.

One lawyer came from North Carolina, wore himself out with trying to find Cole, and at the last minute of his day in Columbia someone pulled Cole out of hiding by the collar from behind some clothes hanging in a shop near the Courthouse. There was only one side, and it appeared to be Cole's mission to keep it that way. As long as Cole stayed in the case and out of sight, nobody could help Timmons,it seemed. And so all appeals went down the drain without even a gesture to help the petitioner - with no lawyer, no evidence,no testimony, no chance to be heard, and no just trial court,

how could an Appeals Court find anything on the petitioner's side to consider?

The petitioner worked 26 years day and night with building, drawing plans, supervising jobs, borrowing money, traveling to find the right building material to match the beautiful moldings, etc. in her buildings, buying, paying, furnishing, and renting to achieve a 3 million dollar plus apartment and restaurant complex and received absolutely nothing for all that. Cole came into the picture, appeared to be under the control of the Tricentennial attorney and the Judge, and walked off with $18, 409.60 plus what he had already been paid. The owner was the only one the Clerk of Court was warned not to pay by the Tricentennial attorney(App.31).

The newspaper, which was the main support for the never-really-brought-to-life Tricentennial seemed to get off key in the Cole matter. It appeared that payment to him was arranged for 1971 according to a news story that came out that year. It was 1973 before payment was made and the

1971 news story became true.

A letter from the Tricentennial attorney to John McGrath in Florida, who pretended to be bringing a damage suit against the state for petitioner, had all the ear-marks of being a silencer for any possible flare-up because of the newspaper missing the timing to the point of publishing a happening 18 months before it happened (App. herein at 327,328.There never was but one side to the case, and obviously the newspaper was not informed that any slight change could alter the set plan for taking the Timmons property. The letter from the Commission attorney to McGrath in Florida just said in essence "Forget it." (App. herein at p.329).

12. The Honorable John Grimball TO ISSUE A CHECK FOR $8,000 from the funds allegedly set aside as payment for petitioner's property taken by the respondents in the instant action to Mr. William F. Able, Attorney at Law, to whom petitioner assigned this amount in her effort to obtain legal representation for her pressing legal matters

strategically important because all of her properties and any hope for her continued existence are in the balance (App. at p. 275).

13. The Honorable John Grimball and/or the S. C. Tax Commission TO REFUND THE AMOUNT OF $7,649.33 OF THE $11,578.48 COLLECTED BY THE S. C. TAX COMMISSION FOR 1970 TAXES when no taxes were due and payment of same was made without the knowledge or approval of the petitioner who learned about it from a news story someone sent her later. She then made an application for refund (App. herein at 311,312)and was sent a check for $3,929.15 (App. herein at p.313). The balance of the undue illegally collected money in the amount of $7,649.33 has to be refunded by the S. C. Tax Commission or Judge Grimball.

The S. C. Tax Commission courteously promised the petitioner a hearing at her own chosen time but after examination of records. The taxpayer has been so weak and blind that she could not do all the paper work on masses of documents necessary for a preliminary examination or a tax hearing.

In view of these awful circumstances forced upon her and the fact that the taxpayer lost $3,449,230.97 by the fraudulent taking of her main income property in 1970, for which year all the figures were properly reported (App. herein at 314), the money so wrongfully collected should be refunded without question or, if it is of so great importance that an old lady robbed officially and fraudulently of her hard-earned wealth and reduced to pauperism be further deprived of this possible means of existence for a limited time, then she should be furnished expert accounting and legal help for whatever bout that comes.

14. Mr. Billy L. Williams, president of the First Federal Savings and Loan Association of Cayce, S. C. TO CANCEL THE MORTGAGE BALANCE on petitioner's property at 3104 Monroe Street in its entirety due to the extreme hardships with ensuing disadvantages and embarrassment caused by First Federal's foreclosure action begun on account of the City's false publicity (App. herein

at 272) concerning petitioner's buildings* and not for non-payment, the only justifiable reason for foreclosure (See Petitioner's statement App. at 272); or TO RESTORE THE MORTGAGE on the only possible roof over petitioner's head at this time to its original status requiring principal and interest payments to begin Aug. 1, 1977 or the first day of whatever month follows the decision

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*This property was forced into use as one of the 6 storage buildings necessary to hold the goods from the Laurel St. property condemned by the Tricentennial Commission at the end of 1970 to be used as a parking lot for a short time that same year, although it was not possible to be used for that purpose that year, was never intended to be used for that purpose, and has never been used for any purpose until this day, the 17th day of June, 1977.

The building at 3104 Monroe St. was rendered totally non-productive as to income (except for 1 unit rented for life) by opportunist Joe Winter who had it condemned because used mainly for storage of valuable goods as a result of the inordinate demands of the Commission and thereafter saw to it that the owner could not get a building permit to keep the building in good repair before and after what appeared to be a series of carefully planned damages and theft of very valuable merchandise.

in this petition to the Supreme Court of the United States and omitting intervening payments since December, 1974, from which time the First Federal refused to accept payments (App. herein at 271).

The Master in Equity, The Honorable Jasper M. Cureton, justly ruled out foreclosure because all payments had been made on the said mortgage since its inception even at the very time the foreclosure was begun (App. herein at 263-268). The First Federal noting the publicity concerning the City's intention to demolish and the false statements concerning petitioner suddenly refused to accept her payments and capriciously instigated foreclosure proceedings (App. herein at 271) after repeated attempts of petitioner to make payments (App. herein at p. 272).

On several occasions the First Federal itself delayed payments by following the petitioner's suggestion (and with her signed consent) to try to collect the remainder of the principal, not due but desired to be

paid by the owner, from funds allegedly held as payment for her apartment complex (App. herein at 330).

15. The Honorable George Bell Timmerman TO VACATE HIS DECISION OF MARCH 25, 1977 (See App. herein at p. 258,259), reversing the ruling of the Master In Equity, The Honorable Jasper M. Cureton (App. herein at 263) and ordering foreclosure of the mortgage on 3104 Monroe St. on which property all mortgage payments had been made in fall when foreclosure proceedings were brought. Read Judge's order, etc.(App.at332-335).

The usual working of such foreclosure proceedings, in the face of the tragic circumstances of this action resulting from the taking of the petitioner's Laurel St. property by the original respondents and the crushing of her constitutional rights entertwined with the damaging actions by all of the respondents in the instant petition, would unjustifiably burden this petitioner to the point of rendering her

helpless to fight for her life and rights already almost completely taken. When the government usually gives a roof over the head of a senior citizen in need of one, the highest Court in the land would surely use its power to prevent the unjust deprivation of one of its senior citizens or in fact any one of its citizens of any age of her hard-earned roof.

16. The Honorable Sol Blatt, Jr., Judge of the U. S. District Court, Columbia, S, C. TO ORDER SOCIAL SECURITY PAYMENT TO THIS 74-YEAR OLD PETITIONER by transfer of her deceased husband's social security to her, which has thus far been refused, and/or payment of social security to the petitioner herself, which has thus far been refused, plus in either case sufficient supplemental payment for livelihood for a short period, or in the alternative any one of these 3 payments in an amount sufficient for existence a few more months.

The original hearing on the matter of getting her husband's social security

was set for March 4, 1977 but a disappearing attorney (he disappeared from 3 other of petitioner's cases also at the last minute in the same manner) became the reason for a considerate postponement by Judge Blatt (App. herein at 334). The petitioner still cannot be sure of an attorney and is unable most of the time to go to another town for court herself. She has not received further definite notice which the Clerk of Court said he would send at the appropriate time.

Should this Court grant the motion being presented and full recourse in Court results, social security would probably not be necessary, but this petitioner needs help now and in addition to needing it she would really enjoy the feeling of fellowship that comes with receipt of blessings that all others get without any seeming difficulty. There are perhaps some justifiable reasons that have prevented her receiving any aid but petitioner feels in view of the emergency situation that help could and should

be forthcoming at least for a temporary period.

A number of people who receive monthly checks of about 200 to 300 dollars have repeatedly begged at petitioner's door for handouts after she was robbed of property and income and while she was being denied any help at all through social security or anywhere. Since the successful fraudulent taking of a 3 million dollar piece of property in 1970 by crushing, inhuman methods and without compensation, all doors to possible help have been closed to her and kept closed because of her constant failure to achieve due process which she feels has been accomplished by serious misrepresentation and to attain recourse in the courts, the staying power of the nation.

17. The City of Columbia, S. C. through the mayor of the city, The Honorable John T. Campbell TO PAY THE PETITIONER $950,000 for the damages done to her 6 properties with 72 living units by fires and other

sabotage, all of which damages resulted directly from the misuse of official power and privileges on the part of a city official and from the continual refusal of the city to issue building permits for the repair of her properties, which refusal together with the city's false publicity in connection therewith caused the theft of about $400,000 worth of commercial contents and special storage and damages to her buildings proper in the approximate amount of $550,000, omitting rent on 72 units for 6½ yrs

Fourteen fires have taken place since last September, 1976, and others before September. The owner lives in mortal fear of damages and death. The procedure appears to follow this positive-action plan: damage, condemn, refuse building permits, destroy, remove,and take the very valuable lots as payment for demolition and removal for Mr. Somebody who has or controls much wealth.

18. The Citizens and Southern National Bank through Mr. Robert V. Royall, Jr., president of the C & S National Bank of S.C.,

Jefferson Square, Columbia, S. C. 29222 TO PAY THE PETITIONER $4500 plus interest from August 29, 1968, due her by reason of the burning of her building on U.S. 1 North on that date, which building was mortgaged to the C & S Bank and insured July 24, 1966 for a 3-year term in the name of the C & S Bank at its own insistence with payment for insurance made by the mortgagor.

The bank placed itself in the unique position of being the only one with the right to collect the insurance. Whether the bank was negligent and did not do so is of no importance, since the insurance money is due the petitioner by the bank.

The bank has not paid the insurance to its client and the petitioner, who was quite ill in Florida when all of this was taking place, has recently learned that the C & S Bank did not subtract the $4500 due petitioner upon the transfer of the mortgage July 20, 1972, to Mrs. Flora Plumer, who felt forced to use her money

much needed for her own condition of old age and extreme illness to pay this mortgage which Judge Grimball refused to pay from the purse in his keeping alleged to belong to petitioner.

19. Mr. Paul W. Cobb, Chief Highway Commissioner, Box 191, 1100 Senate Street, Columbia, S. C. 29202 TO PAY DAMAGES, OVER AND ABOVE the $6,845.00 already paid, in accordance with a decision to be made by this Court or any Court, Justice, Body, or Expert Appraiser ordered by this Court to hold a "special" hearing for the consideration of real damages caused to property owned by this petitioner on U. S. 1 South, Columbia, S. C. in the eminent domain taking of a part of it (App. herein at p. 339).

The petitioner, very ill in Florida and suffering from the lack of the necessities of life because of the Tricentennial Commission taking of her main income property by a sort of sham eminent domain a few months prior, high-pressured into settling

by Attorney Pickens Rish who wanted the only sure money in sight as his fee to take the case from another attorney against John McGrath who was trying to take fraudulently the ill petitioner's remaining properties under guise of bringing suit against the Tricentennial Commission for taking illegally her apartment complex, and without a chance to go to Columbia to see and negotiate, did sign the highway release in the amount of $6,845.00 (App. herein at p. 334).

When she returned to Columbia she discovered that the damages were so much in excess of the amount paid as to create a situation of GREAT INJUSTICE AND INEQUITY calling for the supervision of this Court, the only Court possible by virtue of this very petition of great emergency.

The main building was completely ruined by the highway's cutting off of a part of it, the club house on the pond was burned down in some manner, a trailer court just

prepared for the use of 48 trailers with underground lines completed and ready for use was of no value after the highway taking. The whole 10-acre property with at least a million dollar potential value was rendered useless for the purposes planned and being developed. A conservative estimate of the damages without regard for potential would be $128,000 in lieu of the $6,845.00 paid.

20. Mr. Paul W. Cobb, Chief Highway Commissioner, Box 191 - 1100 Senate Street, Columbia, S. C. 29292 TO PAY DAMAGES, OVER AND ABOVE THE $16,000 ALREADY PAID, IN accordance with the decision of this Court or any Court, Justice, Body, or Expert Appraiser ordered by this Court to hold a "special" hearing for the consideration of real damages to this petitioner's property on U.S. 1 North at Rabon Rd. caused by the highway's taking of a part of it by eminent domain.

This case was pushed to trial over the urgent request for postponement together with doctor's certificates mailed by

petitioner who was ill in Florida where she lives (App. herein at 337 , and 338) the owner was awarded a nominal sum of $16,000 in lieu of more than $140,000 damages actually incurred because she could not be in Court to testify, her attorney put in a notice of appeal and then refused to complete it, and the Court's acceptance of the misleading statements in the attorney's motion for relief as counsel which statements she, being ill in Florida, had no opportunity to gainsay, influenced other attorneys to refuse the case until now, and this petition for writ is the one and only avenue for any appeal for justice anywhere under these conditions.

WHEREFORE, for the objectives specified separately and in combination and the facts in support thereof and because this, the highest court in the land, is the only court with full jurisdiction by reason of involvement with federal questions, constitutional amendments IV, V and XIV, Civil

Rights Act 42 U.S.C. 1983, Federal money, and diversity of citizenship of the parties, and the only Court with all power to deal with a situation extremely complicated by many complex intertwined problems surrouding a petitioner helplessly caught in an avalanche of forced extreme emergencies without money and time to pursue the usual course of court appeals, IT IS PRAYED THAT THIS MOTION for leave to file a petition for the issuance of extraordinary writs necessary for the petitioner's relief BE GRANTED.

Annie Mary Timmons
Pro Se
3104 Monroe Street
Columbia, S. C. 29205
Tel: 803-256-1417

AFFIDAVIT OF SERVICE

In accordance with Rule 33 3c and 31 3 of the Rules of the Supreme Court of the United States I certify that I have this 29 day of June, 1977 filed 40 copies of the Motion for Leave to File Petition in the Clerk's office and have mailed the required copies of the Motion for Leave to File Petition and the Petition for Extraordinary Writs to the Solicitor General and all the parties deemed to be respondents in the proceeding in this Court as follows:

The Honorable Albert V. Bryan, Senior United States Circuit Judge
The Honorable J. Baxter Craven, Jr. and
The Honorable John A. Field, Jr.
(The United States Court of Appeals for the Fourth Circuit Richmond, Virginia)
The Honorable Daniel R. McLeod, Attorney General of S. C. and Attorney of Record for Thomas O. Lawton et al, P. O. Box 11549, Wade Hampton State Office Building, Columbia, S. C.29201
The Honorable Brantley Harvey, Lt. Governor of the State of South Carolina and President of the S. C. Senate, The S. C. Legislature, Columbia, S. C.
The Honorable Rex Carter, Speaker of the S. C. House of Representatives, the S. C. Legislature, Columbia, S. C.

The Honorable Robert H. Bork The Solicitor General, Department of Justice, Washington, D. C. 20530
The Honorable Donald Alexander, Commissioner of Internal Revenue, Washington, D. C.
Mr. Joe Winter, Head Rehabilitation Department of the City of Columbia, City Hall, Columbia, S. C.
The Honorable Woodrow Lewis, Chief Justice, S. C. Supreme Court Box 11330, Columbia, S. C.
(Also with same address the 4 following Associate Justices):
The Honorable Bruce Littlejohn
The Honorable Julius B. Ness
The Honorable W. L. Rhodes, Jr.
The Honorable George Gregory, Jr.
The Honorable John Grimball, Judge of the Court of Common Pleas, Richland County Court House, Columbia, S. C.
The Honorable George Bell Timmerman Judge of the Court of Common Pleas, In Care The Lexington County Courthouse, Lexington, S. C.
Mr. Billy L. Williams, President of the First Federal Savings and Loan Association 615 Knox Abbott Drive, P. O. Box 123, Cayce, S. C.
Mr. Robert Fowlkes, Fowlkes Agency, Inc. 1600 Bull Street, Columbia, S. C.
Mr. C. H. Brooks, Director Income Tax Division, The S. C. Tax Commission, Columbia, S. C.
Attorney Arthur T. Cole, 2801 Devine Street, Columbia, S. C.
The Honorable John T. Campbell, Mayor of the City of Columbia, Columbia, S. C.
The Honorable Robert C. Wasson Chairman, S. C. Tax Commission 1100 Senate St., Columbia, S. C.

The Honorable Sol Blatt, Jr.,
Judge U. S. District Court of the
District of S. C.
Columbia, S. C.
Mr. Robert V. Royall, Jr., President
The C & S National Bank of S. C.,
Jefferson Square, Columbia, S. C.
29222
Mr. Paul W. Cobb, Chief Highway
Commissioner,
Box 191 - 1100 Senate Street
Columbia, S. C. 29202

Annie Mary Timmons

Annie Mary Timmons
3104 Monroe Street
Columbia, S. C. 29205

Sworn to and subscribed before me this
29th day of June, 1977.

Notary Public of South
Carolina
My commission expires
Oct 6, 1978

IN THE

SUPREME COURT OF THE UNITED STATES

No.

ANNIE MARY TIMMONS, Petitioner,

versus

THOMAS O. LAWTON, JR., et. al., Respondents
AND OTHER RESPONDENTS HEREIN

PETITION FOR EXTRAORDINARY WRITS

Annie Mary Timmons
Pro Se
3104 Monroe Street
Columbia, South Carolina 29205

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TABLE OF AUTHORITIES

CASES:

This case sets a precedent as to the nature of the necessity for extraordinary writs, the complexity of interrelated factors separate in appearance but so closely intertwined as to become integral parts of the emergency status necessitating writs, and the steps necessary to be taken for relief.

There are many cases involved in each integral issue of this petition. A few of them are as follows:

Battle v. Mullholland,
439f2d321 (1971).....

Bigelow v. Old Dominion Mining and Smelting Co., 225S11132S.Ct. 641 (1912).....

Carolina Power and Light Co. v. Copeland, 188SE2nd 188. 258 S.C. - 206.....

Carolina Power and Light v. Gasque, 186SE2nd 813, 258 S.C. 1 29ACJS p 490.....

Deaton v. Gay Trucking Co., 275f Supp 750,U.S.D.C. 1967.....

Dorf v. Relles, 355f2d488
CA7-1966.....

Lawlor v. National Screen Service
Corp., 349U.S.322 at 326,
75S.C.868-1955.....

Lowe v. Clayton, 204 S.C. 75,212 S.C.
2d 582-1975.....

Mock v. Higgins, 3 I11 App 2d 281....

South Carolina Highway Department
v. Allison,
143SE2nd800,246 S.C. 389.....

South Carolina Highway Department
v. Bolt,
242S.C.411, 131 SE 2nd 254.....

South Carolina Highway Deparment
v. Bryant, 171 SE2nd 349.....

South Carolina Highway Department
v. Freeman, 211 SE2nd 561.....

South Carolina Highway Department
v. Wilson,
175 SE2nd 3911 254 S.C. 360.....

Spradley vI S. C. Highway Department
182 SE 2nd 735, 256SE 431.....

West Virginia Pulp and Paper Co.
v. The United States
200f2d100 and 18S.C. L.R.109.....

Willimon v. City of Greenville
132SE2nd169, 243S.C.82.....

UNITED STATES CODE:

28 U.S.C. 1651 (a)

28 U.S.C. 377 Section

28 U.S.C. 1652 p. 7602

28 U.S.C. 2403 p. 7654

28 U.S.C. 1257 (2)

28 U.S.C. 1331

28 U.S.C. 1332

28 U.S.C. 1343

28 U.S.C. 1254 (1)

42 U.S.C. 1983

CONSTITUTIONAL AMENDMENTS IV,V,XIV

ARTICLE III Section 1

Section 2

S. C. STATUTES AT LARGE:

56 Stat. Act No. 562 at 945 (1969

57 Stat. No. 610 at 1130 (1971)

IN THE

SUPREME COURT OF THE UNITED STATES

No.

ANNIE MARY TIMMONS, Petitioner

versus

THOMAS O. LAWTON, JR., et. al., Respondents
AND OTHER RESPONDENTS HEREIN

PETITION FOR EXTRAORDINARY WRITS

PETITIONER PRAYS THAT her listing of the names, addresses, and performances of actions petitioned for in the motion prefacing this writing be made a part of the petition by reference, both motion and petition in this case being supported by the same factual bases, for the convenience of the Court AND THAT WRITS BE ISSUED IN

ACCORDANCE WITH ITS 20 INTEGRAL ELEMENTS OR THE ALTERNATIVE THEREOF.

The purpose of petitioning for these extraordinary writs in to obtain temporary aid for the alleviation of petitioner's condition of want, suffering, and danger, to halt the destructive measures against her, to recover her crushed constitutional rights and to gain recourse in court with an opportunity to seek redress in order that she may recover at this late hour whatever is possible of her life's work and investments illegally and fraudulently taken from her, destroyed, and/or under plot for confiscation (App. herein at 296) since the taking and now (App. at 344).

28 U.S.C. 2403 may be applicable. Petitioner presenting the different issues of this case does not know whether or not any court has certified to the Attorney General the fact that the constitutionality of Act of Congress was drawn in question in any of these issues that are integral parts of this petition.

OPINIONS BELOW

The opinion and order of The United States District Court for the District of South Carolina and the attached judgment dated Sept. 9, 1975, are printed as Appendix C to Petition for Writ at p. 25.

The affirmation May 26, 1976 of the District Court decision by The United States Court of Appeals for the Fourth Circuit is designated as Appendix B to Petition for Writ at p. 22.

The Order of The United States Court of Appeals denying petitioner's motion for rehearing June 21, 1976 is printed as Appendix A to Petition for Writ at p. 20.

The denial for Writ of Certiorari by The Supreme Court of the United States is printed as Appendix herein at p. 235.

The S. C. Supreme Court's opinion is designated as Appendix D to Petition for Writ CA at p. 36.

JURISDICTION

The United States Court of Appeals for the Fourth Circuit on May 26, 1976 affirmed the order and judgment of the District Court dated September 9, 1975.

A petition for rehearing was denied by the U. S. Court of Appeals on June 21, 1976.

The U. S. Supreme Court denied certiorari on December 6, 1976 and the petition for rehearing January 25, 1977.

The Jurisdiction of the court is invoked under the following statutes and laws:

28 U.S.C. 1331

28 U.S.C. 1332

28 U.S.C. 1343

28 U.S.C. 1651 (a)

28 U.S.C. 1254 (1)

28 U.S.C. 1257 (2)

28 U.S.C. 2403

28 U.S.C. Section 377

Article III of the Constitution of the United States

Section 1

Section 2

QUESTIONS PRESENTED

All the questions presented here are in some way a part of the instant case but some of them have different titles and are in different stages of appeal. Due to the suffering of this petitioner, however, without security, the necessities of life, strength, eyesight, money for legal aid and constantly in danger of physical violence or damages by fire, etc., under the weight of impending false claims threatening momentarily to break the last straw or hope for survival, she cannot do more than try to PORTRAY HER CONDITION OF EMERGENCY MADE COMPLETELY HOPELESS BY THE COURT'S DENIAL OF RECOURSE AND OPPORTUNITY TO SEEK REDRESS, which condition was created by the illegal and fraudulent acts of the respondents in the instant case and by all those who are integral parts of it. She has only one hope - - to appeal to a powerful court for intervention in the crushing landslide of tragedy.

The questions presented are:

1. Should not the door to recourse in court be opened by special writ of this court to The Honorable Albert V. Bryan, Senior U. S. Circuit Judge, The Honorable J. Baxter Craven, Jr., and The Honorable John A. Field, Jr., of The United States Court of Appeals for the Fourth Circuit of Richmond, Virginia TO VACATE THEIR AFFIRMANCE May 26, 1976 of the decision of The Honorable Robert E Chapman of the U. S. District Court of S. C. (App. herein at p. 241). and TO SCHEDULE A HEARING OF THIS CASE "ON THE MERITS" when the affirmation of the District Court decision that closed the door to recourse and justice was based on untrue statements of fact, false premises, omissions of truths, etc. easily discernible from the record (App. herein at 345), all of which showed a serious departure from the accepted and usual course of judicial proceedings (App. herein at p. 346).

2. Should Res Judicata, whether or not substantiation of same is weak or nil as in

this case erroneously remain a solid block to judicial recourse, redress, and justice in general when judicial denial of recourse by the appellate court has already caused flagrant violations of Constitutional Amendments IV, V, and XIV and of 42 U.S.C. 1983, imbalance in the Court and a fast SNOWBALLING OF TRAGEDY AND CRIMES THAT ARE SO DESTRUCTIVE TO THE LIFE AND PROPERTIES of this petitioner and to the lives and properties of many others (App. herein at P. 274) as to call for this Court's power of supervision?

3. Did the appellate court decide the Federal question which SHOULD BE DECIDED BY THIS COURT as to whether or not a condemnation resulting from a federal grant contract between a State Commission and HUD executed for specific property (App. at 356-359) could STAND WITHOUT THE OWNER HAVING HAD THE BENEFIT OF THE FULL EXECUTION OF FEDERAL LAWS made largely for the seller who without free enterprise is almost certain to be robbed in

eminent domain proceedings and can even be destroyed as in this case by the condemnor's violations of all sections of OS5, 27 Amer. Jur. 2d, p. 283, Eminent Domain 403; 20 C.J. p. 630; 384F 2d, p. 504; Constitutional Amendments IV, V, and XIV; 27 Amer. Jur. 2d, p. 242, Eminent Domain 376; OSA5 DLG and other laws 42 U.S.C. 1983 unless protected by federal laws in complete operation?

4. Should res judicata which does not even exist in this case or any other doctrine be permitted by this Court to bar the instant case from recourse in the Federal Courts when in addition to being entitled to it by reason of the forceful taking of private property without due process and just compensation this citizen and all other citizens with DIVERSITY OF CITIZENSHIP are definitely promised the right to the JURISDICTION OF THE ONE SUPREME COURT OF THE NATION BY SECTION 2 ARTICLE III OF THE CONSTITUTION OF THE UNITED STATES?

5. Should not the Appellate Court's

affirmation of the District Court opinion arrived at by consideration of THE WRONG PROPERTY LOCATED IN ANOTHER CITY more than 100 miles from petitioner's property be overturned when such laxity in connection with a matter of mortal concern to this petitioner has so far departed from the accepted and usual course of judicial proceedings as to call for an exercise of this Court's power of supervision?

6. Has The Honorable John Grimball, Judge of the State Court of Common Pleas, in ARBITRARILY DISPOSING OF FEDERAL FUNDS* paid as a grant to The State of South Carolina simultaneously and as a part of the Tricentennial contractual agreement signed with HUD (App. at p. 348-359) for

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*He paid false claims without petitioner's consent and knowledge and refused to pay 2 first mortgage balances to C & S Bank and 1st Federal Savings and Loan, which is now foreclosing because of his wrong action, as well as the assignment by her to Atty. William F. Able of $8000.00 in an effort to get legal representation.

acquisition of the Timmons property, of settled a matter/federal law not theretofore settled by this court?

7. And should not The Honorable John Grimball be issed a special writ by this court TO ACCOUNT FOR THE DISPOSITION OF THE $325,000 FROM FEDERAL FUNDS alleged to belong to the petitioner as payment for her property taken as a result of the Tricentennial-Hud contract when no part of it was ever paid to her thereby forcing her unjustifiably, unjudicially and inhumanly into a critical emergency condition?

8. And should not this Court issue writs to The Honorable John Grimball, Judge of the Court of Common Pleas of Richland County, Columbia, S. C., and/or Robert Fowlkes of Robert Fowlkes Insurance Agency, 1600 Bull Street, Columbia, S. C. to refund the $9,644.90 (Fowlkes collected a little under $10,000 to escape possible appeal in Federal Court) wrongfully collected and paid, which money was not due Fowlkes, was not

authorized to be paid to him, and was taken from Federal Funds allegedly set aside as payment when in so doing the Court departed so far from the usual course of judicial proceedings as to call for this Court's supervision and decided a Federal question not theretofore decided by this Court?

9. And should not The Honorable John Grimball and/or Attorney Arthur Cole, 2801 Devine Street, Columbia, S. C. be issued special writs to refund the petitioner $18,500 because by paying same the Court had departed so far from the usual course of judicial proceedings as to call for this Court's supervision and had decided a federal question not theretofore decided by this Court?

10. Should not The Honorable John Grimball and/or The S. C. Tax Commission through Mr. C. H. Brooks, Director Income Tax Division, Columbia, S. C. be issued writs to refund a balance in the amount of $7,649.33 of the $11,578.48 erroneously

collected by the S. C. Tax Commission for 1970 taxes, (a check for $3929.15 was paid to her upon her application for a full refund*) when the taxpayer lost $3,449,030.97 by reason of the illegal taking of her property in 1970 - and when the judge had no right to pay without even notifying the petitioner the Federal Funds alleged to be hers and left in his keeping as the result of the Tricentennial-Hud contract with accompanying funds to pay for her property, thereby raising a federal question that should be settled by this Court?

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*The Tax Commission very courteously offered her a hearing at her own chosen time to take place after further examination of her records by agents, but the petitioner in her present emergency of a weak physical condition, no means of livelihood, and eyesight about gone has not been able to prepare a great mass of records for further examination or hearing without help. She had already audited many thousands of records proving the worth of property involved but is at this time unable to do further auditing.

11. And should not The Honorable John Grimball be issued a special writ by this Court to pay $8,000 of this fund assigned by petitioner to William F. Able, Attorney at Law, in her desperate effort TO OBTAIN LEGAL REPRESENTATION to take care of urgent pending matters, when the Court's refusal to pay same means denial to this petitioner of all possible due process and constitutes such a departure from the usual and accepted course of judicial proceedings to call for this Court's supervision?

12. Should not this court issue a writ to The U. S. Court of Appeals aforenamed individually TO VACATE AND SET ASIDE THE JUDGMENT of the District Court affirmed by it that "Annie Mary Timmons take nothing of respondents" and that they pay to petitioner through their counsel, The Honorable Daniel F. McLeod, The Attorney General of the State of South Carolina, a nominal sum for her subsistence and sufficient finances for the PROTECTION OF HER LIFE AND PROPERTIES only until hearing can be had

in court when said judgment which closed the door to means of life for this petitioner was based largely upon false statements of the facts, federal money contracted to be paid the owner for her property, lack of due process, absence of testimony for consideration by the court, and exclusion of petitioner's evidence from the record, all of which are so far removed from the usual standards of judicial proceedings as to call for an exercise of this Court's power of supervision?

13. If the Attorney General cannot act in this matter for petitioner's temporary subsistence and protection, should not this Court issue a "special" writ to the State Legislature, in view of the fact that "special" legislation was enacted to carry out the Tricentennial-HUD contract for the taking of her property and payment for same with federal funds, that no funds were ever paid to her for her 3 million dollar property taken, and that the taking robbed her of a $250,000 potential yearly gross income,

TO APPROPRIATE A NOMINAL SUM for petitioner's temporary subsistence and protection until the court can entertain a hearing on the matter?

And should no hearing be desired by respondents, to appropriate A LUMP SUM AS PAYMENT FOR PETITIONER'S PROPERTY or a SUM OF $350,000.00 PER YEAR FOR 20 YEARS which total amount would be less than ½ of the original and proper claim for property and damages computed on the basis of value and returns on the property?

14. Should not the Commissioner of Internal Revenue be ordered to REFUND THE PETITIONER AT ONCE HER $75,695.73 collected on the basis of the $325,000 allegedly set aside for petitioner and to cancel the $8,640.75 additional bill just received (App. at 323) on the basis of the Commissioner's full knowledge that petitioner lost for the year 1970 the amount of $3,449,030.97 (App. at 277), that the matter was already scheduled for hearing before the Tax Court

of the U. S. Nov. 3, 1976 at the time he collected it, September 7, 1976, and that his collection was based entirely upon his own claim kept a secret from the petitioner for 3 years (App. at 283) that he had sent a deficiency notice in 1973 to an address in Mississippi (while he had in his files her true address as shown on her income tax returns for 1970, 1971, and 1972 and as obtained from other contacts) of which alleged sending she had never been informed (App. at 284) until her appeal to the U. S. Tax Court in 1976 brought it out in the open (App. at 281), WHEN SUCH ACTS WITHOUT REFUND BEING MADE SETS HIM APART AS A MONARCH not required to abide by the laws made for all others in this Democracy and kills the hope of every citizen for justice which has created this Democracy and with the passing of Congressional Acts has kept it alive thereby making the proper regard for the law in this case an important Federal question for this Court's supervision?

15. Should a city or any part of a city's machinery for urban or private purposes be allowed TO VIOLATE AGAIN AND AGAIN A CITIZEN'S CONSTITUTIONAL RIGHTS afforded by Amendments IV, V, and XIV, 42 U.S.C. 1983 and many other laws under guise of carrying out its own function with evidence in hand reflecting strongly a prior complete deviation from the duty of carrying out its own function in the 1968 CONSPIRACY WITH THE TRICENTENNIAL COMMISSION to use the city's power of eminent domain to take over the petitioner's rich income property and to hand over the spoils to the Commission (App. at p.), and with evidence proving a follow-up of crimes at the present time in the form of dangerous, destructive, and TERRIFYING FIRES WHICH ARE DESTROYING MANY THOUSANDS OF DOLLARS WORTH OF BUILDINGS AND CONTENTS THAT TOOK 40 YEARS TO BUILD AND ACQUIRE with all of life devoted to the task (App. herein at p.274) when all of these violations constitute such a departure from the usual adherence

to the observance of constitutional rights of a citizen as to cry out for the supervision of this Court?

16. And should not a special writ of prohibition be issued by the court to Mr. Joe Winter, Head of the Rehabilitation Department of the City of Columbia, S. C. TO REFRAIN FROM ALL ACTS in relation to this petitioner and her properties directed toward the City's taking over her properties by condemnation, such as forcing them to be non-productive by reason of refusing to issue building permits, forcefully stopping any workman that might have the desire and courage enough to try to repair any building, or high-handedly demolishing the buildings and then confiscating the properties for the cost of demolition WHEN NON-ISSUANCE OF SUCH WRIT OR A HEARING ON SAME AMOUNTS TO AFFIRMANCE OF FRAUD AND DESTRUCTION ON THE PART OF PUBLIC OFFICIALS?

17. And should not a special writ be issued to the City of Columbia through its

mayor, The Honorable John T. Campbell, City Hall, Columbia, S. C. to pay the petitioner for the damages to her 6 properties by fires and any other sabotage all of which were due directly to the illegal acts of the city or some official of same and to its arbitrary refusal to allow repair of her damaged properties, which refusal and false publicity by the city caused the theft of about $400,000 worth of valuable commercial contents and special storage and damages far in excess of $550,000 to her buildings proper or a total of $950,000 with the horrible probability of more damages every minute when such deliberate fraudulent actions, without monetary amends being made for damages, CUTS INTO SHREDS A CITIZEN'S CONSTITUTIONAL RIGHTS accorded by Amendments IV, V, and XIV and the Civil Rights Act of 42 U.S.C. 1983 WITHOUT THE IMMEDIATE HELP OF THE SUPREME COURT in which the judicial power of the United States is vested providing this Court only with the necessary power

of supervision over the emergency matter herein?

18. Should this Senior Citizen be forced to LOSE THE ROOF OVER HER HEAD known as 3104 Monroe Street (even though wrongfully condemned through Mr. Winter of the City for other purposes) when she built and served the public with homes and food for 40 years, then suffered the loss of her 3 million dollar complex and complete paralysis of all other properties through fraudulent condemnation by the respondents, reducing her to the state of pauperism when the false publicity in connection with said condemnation and the city's (Mr. Winter's) publicized threats of demolition were what CAUSED THE MORTGAGEE TO PANIC AND CAPRICIOUSLY BRING FORECLOSURE PROCEEDINGS with all payments made on property since inception of the mortgage, when the wise ruling of the Master in Equity, The Honorable Jasper M. Cureton, was dismissal of the foreclosure proceedings (App.263-268), WHEN THE POLICY OF THE

GOVERNMENT is to give senior citizens a roof over their heads and food, if necessary, merely for the asking and not to throw one out to die with the fraudulent taking away of her hard-earned properties already paid for over a lifetime and when said reversal of the Master in Equity with all payments made on the mortgage constitutes such departure from the accepted course of judicial procedure as to call for an exercise of this Court's power of supervision particularly in view of the petitioner's inability to follow the usual course of appeals?

19. Should not this court issue a special writ to Mr. Billy L. Williams, President of The First Federal Savings & Loan Association, 615 Knox Abbott Drive, P. O. Box 123, Cayce, S. C. TO CANCEL THE UNPAID BALANCE ON THE MORTGAGE on 3104 Monroe Street because of the expense and embarrassment caused by the unjustifiable foreclosure or TO RESTORE THE MORTGAGE TO ITS ORIGINAL STATUS at the time foreclosure

was begun without intervening interest payments and with principal and interest payments to begin Aug. 1, 1977,when he brought said foreclosure as a direct result of the Tricentennial-City false propaganda and not for non-payment of mortgage?

20. Should not The Honorable George Bell Timmerman, Judge of the Court of Common Pleas, in care of the Lexington County Courthouse, Lexington, S. C., be issued a special writ TO VACATE HIS ORDER OF MARCH 25, 1977 ordering foreclosure and reversal of the Master's order (App. at p. 259) and if needs be to write instructions to the First Federal Savings and Loan Association restoring the mortgage to its original status of December 31, 1974 with regular payments of principal and interest to resume Aug. 1, 1977 without regard for intervening interest charges which with the principal Mr. Williams repeatedly refused to accept?

21. Should not the Justices of The

The Supreme Court of South Carolina, The Honorable Woodrow Lewis, Chief Justice, S. C. Supreme Court, The Honorable Bruce Littlejohn, The Honorable Julius B. Ness, The Honorable W. L. Rhodes, Jr., The Honorable George Gregory, Jr., be issued special writs TO VACATE THEIR AFFIRMANCE of the decision of the Court of Common Pleas in the McGrath case (App. herein at p. 262) and/or TO STAY THE EXECUTION OF A JUDGMENT FOR $35,000 held by this false claimant named John McGrath who also has a lien over all the petitioner's properties remaining after the respondents in the instant case took the main income property and has put himself in a key position to confiscate all things left belonging to her in one easy operation under the most favorable circumstances* when the verdict was

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*His phony case was built of absolute lies and unbelievable treachery. The petitioner ill in Florida would probably never return and anyway, she had paid him to sue the State of South Carolina for damages on her behalf by reason of this same Tricentennial taking.

gained by a re-trial of the one-sided Tricentennial condemnation case in which the petitioner was never heard, by a complete net-work of untruth, by trickery, court errors, improper jurisdiction with both parties being from Florida, false arrest of the petitioner in the courtroom to prejudice the jury and denial of due process in general, all of which constitute such a departure from the accepted and usual course of judicial proceedings as to call for an exercise of this Court's power of supervision?

22. Should not a writ be issued to the aforenamed Judges of the Appellate Court to TO VACATE THEIR AFFIRMANCE May 26, 1970 (App. Pet. for Cert. C.A. at p.22) of the decision of The Honorable Robert F. Chapman (App. Pet. for Cert. C.A. at p.25) of the District Court that res judicata was a proper bar to subsequent action when the prior action was against the state itself for injunctive relief and was not litigated at all because THE COURT

ARBITRARILY CHANGED THE DATE of the injuction from June 6 to June 10 KILLING IT COMPLETELY and removing all possibility of litigation, res judicata, or privies in order to allow the condemnation case to go forward ahead of it despite 27 pages of decision #19074 (App. Pet. for Cert. at p. 36) glorifying a dead injunction while departing far from the usual and accepted course of judicial proceedings?

23. Should not a special writ for recourse in court be ordered for petitioner when the first case concerning the Tricentennial condemnation was lost by reason of happenings, maneuvers, tricks, chicanery and RULINGS OF A SECRET CLOSED-DOOR HEARING where she was denied legal representation, due process in every particular, and constitutional rights in general, none of which was allowed to be recorded and all of which departed so far from the accepted and usual course of judicial proceedings as to call for an exercise of this Court's power

of supervision?

24. Should not a writ for recourse in court be granted this petitioner when the fact, the nature, and the method of achieving BESTOWAL OF EMINENT DOMAIN power to take only her property so robbed her of constitutional rights AS TO BECOME A BILL OF ATTAINDER against her in all relationships of life to such an incredible degree that only the highest judicial power, which according to Article III Section 1 "shall be vested in one Supreme Court" has the authority to give justice in this situation?

25. Should a special writ for recourse in court be denied this petitioner when the DAMAGES IN QUESTION OCCURRED AFTER THE FIRST ACTION which the appellate court has affirmed as the bar to the suit by res judicata or collateral estoppal and such unreason would constitute a departure far from the usual course of judicial procedure that calls for supervision of this Court?

26. Should a precedent be established by this court in the placing of the hand of judicial approval upon all the VARIOUS COMPONENTS that characterize the instant case when all of these parts are DIAMETRICALLY OPPOSED TO THE CONSTITUTION and all judicial standards and proceedings in every particular?

27. Should a decision based on res judicata bar this petitioner recourse in Court when SHE HAS NEVER BEEN HEARD IN A TRIAL COURT, the testimony was not allowed to be printed, her evidence on 2 main issues of HUD and her injunction against the city on which the opinion was largely based were excluded from the record in their entirety, and her main evidence consisting of clear summaries in connection with about 25,000 documents never reached the jury at all, all of which denial of due process resulted in A CASE WITH ONE SIDE ONLY and the impossibility of res judicata barring any subsequent action?

28. Should a proceeding in a state Court bar recourse in Court and opportunity for redress under42U.S.C. 1983 when the petitioner, completely deprived of her rights, privileges, and immunities under color of law by the respondents herein in violation of that law and amendments IV,V and XIV, can find no "other proper proceeding for redress"as called for in 42 U.S.C. 1983 in the event the Courts below fail to function properly except the one Supreme Court in which the judicial power of the United States is vested?

29. Should not a writ be issued to The Honorable Sol Blatt, Jr., Judge of the U. S. District Court, Columbia, S. C. in an effort to get the quickest aid possible for this petitioner while the Court considers her requests for writs, TO ORDER SOCIAL SECURITY PAYMENT for this 74-year old petitioner by transfer of her deceased husband's social security to her which has been refused thus far and/or payment of social security to the petitioner on her

own, which has thus far been refused plus in either case sufficient supplemental payment for livelihood for a short period, or in the alternative any one of these 3 payments in an amount sufficient for her existence a few more months when to continue refusing aid to this petitioner while all others are receiving help would be a gross violation of amendment XIV and 42 U.S.C. 1983, would be deciding a federal question that should be decided by this Court, and would be keeping the petitioner's cupboard quite bare?

30. Should affirmation of privity by the Appellate Court be allowed to stand as a bar to recourse in Court when PRIVITY WITH A DEAD BODY and a non-existent bond is clearly impossible and in so affirming the Appeals Court has settled a question that should be decided by this Court and has sanctioned such departure from the usual course of judicial proceedings as to call for this Court's power of supervision?

31 Should not the State Highway Department through its Chief Commissioner, The Honorable Paul W. Cobb, Box 191, Columbia, S. C. 29202 be issued a writ to pay an amount, over and above that already paid, to be decided by this Court or whatever Court, Justice, Body, or Expert Appraiser this Court should select to hold a "special" hearing for the setting of a proper total for the damages incurred as a result of the taking of petitioner's property on Highway #1 South by eminent domain when the damages incurred by the taking were SO MUCH GREATER THAN THE COMPENSATION paid that they constitute a situation of extreme injustice and inequity for the petitioner, violating her rights accorded by constitutional amendments V and XIV, 42 U.S.C. 1983, and State and Federal eminent domain laws and becoming one of the many adverse entertwined factors of the emergency condition of this petitioner over which only this one Supreme Court has power of supervision?

32. Should not the State Highway

Department through its Chief Commissioner, The Honorable Paul W. Cobb, Box 191, Columbia, S. C. 29202 be issued a writ to pay an amount, over and above that already paid, to be decided by this Court or whatever Court, Justice, Body, or Expert Appraiser the Court should select to hold a "special" hearing for the setting of a proper total for the damages incurred as a result of the taking of petitioner's property on Highway #1 North by eminent domain when the case was PUSHED TO TRIAL OVER THE URGENT REQUEST FOR POSTPONEMENT TOGETHER WITH DOCTOR'S CERTIFICATES sent to the Court by the owner who was ill in Florida where she lived and is living now;

When the owner was awarded the nominal sum of $16,000 instead of about $140,000 minimal damages (without any consideration for the potential worth on the completion of the over-all plans for the property destroyed by the Highway Department)because SHE COULD NOT BE IN COURT TO TESTIFY, when

her lawyer submitted a notice of appeal and then refused to complete it with a motion to the Court made up of misleading untrue statements which the owner ill in Florida had no opportunity to gainsay and in the face of which no lawyer would take the case, thus denying her completely of due process in violation of Amendments V and XIV, 42 U.S.C. 1983, and State and Federal eminent domain laws and becoming one of the many adverse, entertwined factors of the emergency condition over which only this one Supreme Court has power of supervision?

33. Should not a writ issue to the C & S Bank through its president, Robert V. Royall, Jr., Jefferson Square, Columbia, S. C. 29222, a mortgagee, in this instance a strong state bank backed up by the Federal government, to pay its client and mortgagor an insurance claim, in this instance $4500 plus interest since August 29, 1968, when the bank placed the insurance on the property involved in its own name by its own insist-

ence with payment for insurance made by petitioner and then FAILED TO PAY THE INSURED, whether or not it collected same, thereby depriving the mortgagor of all returns on her destroyed property and creating a question of stabilization in Banking and Currency as well as Insurance and the effect of each upon the other in the light of the settlement of the question involved here which has to be decided by this Court?

STATUTES INVOLVED

42 U.S.C. 1983:

"Every person who, under color of any statute, ordinance, regulation, custom or usage, of any state or territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the constitution and laws, shall be liable to the

party injured in an action at law, suit in equity, or other proper proper proceeding for redress."

28 U.S.C. 2043:

28 U.S.C. 1652: p. 7602

"The laws of the several states except where the constitution or - - Acts of Congress otherwise require or provide, shall be regarded as rules of decision - - where they apply."

28 U.S.C. 1651(a): Chapter III

"The Supreme Court and all courts established by Acts of Congress may issue all writs necessary or appropriate....

Section: 377

"The Supreme Court, The Circuit Courts of Appeal, and the District Courts shall have power to issue all writs not specifically provided by statute which may be necessary for the exercise of their respective jurisdiction...."

28 U.S.C. 2403

"....Wherein the constitutionality of any Act of Congress affecting the public interest is drawn in question, the court shall certify such fact to the Attorney General, and shall permit the U. S. to intervene for presentation of evidence...."

28 U.S.C. 1331

28 U.S.C. 1343

Constitutional Amendments: IV, V, XIV

Amendment IV

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularily describing the place to be searched, and the person or things to be seized."

Amendment V

"Nor shall any person be deprived of life, liberty, or property without due process of law; nor shall private

property be taken for public use without just compensation."

Amendment XIV

Section 1

"No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property without due process of law; 'Nor deny to any person within its jurisdiction the equal protection of the laws.'"

SOUTH CAROLINA STATUTES:

56 Stat 945 (1969)

As an amendment to an amendment to an amendment, the law came into being "by changing the period at the end of item 8 to a comma and adding: including the exercise of the power of eminent domain...."

56 Stat 1136 (July 1, 1971)*

STATEMENT

The facts and information concerning all the issues involved constituting the cause of the emergency being petitioned about would make too voluminous a record along with the petition herein to send to the Court at one time. Therefore, the petitioner begs the Court for permission to mail the added documents with any other proof desired on all the issues involved upon notification by the Court.

Petitioner has adequate proof of every integral part of this petition and is anxious to present it.

Sub headlines will be used to denote

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*The Commission died by statute after the close of 1970, for which year it had been appointed to make plans for a celebration.

the general classification of facts included thereunder in connection with the questions presented.

Concerning Vacation of the Affirmance of the Circuit Court and Recourse in Court in Connection With the Case of Annie Mary Timmons vs Thomas O. Lawton, Jr., et al

Since the Appellate Court affirmed the District Court Opinion which was based on State Court Decision #19074 (Pet. for Re. S. Ct. pages 36 - 68) it is necessary to give the facts on which should have rested the State Court Opinion claimed to be the basis for the dismissal by the District Court.

This Senior Citizen who had developed this property involved for 26 years was robbed of her unique and beautiful Apartment Complex with 163 furnished living units and restaurant (built to last 200 years) in 1970 at a loss of $3,449,030.97 (Pet. for Re. U.S. Sup. Ct. at p. 11) plus a $250,000 yearly income she had worked and invested a lifetime to receive by the year 1969 plus far more than $300,000 worth of

valuable contents of the buildings (Pet. for Re. S.Ct. at p. 14) and was THROWN OUT OF HER OWN PROPERTY TO DIE WITHOUT ANY INCOME OR MEANS OF LIVELIHOOD (Pet. for Re. S. Ct. at p. 12).

As the petitioner has not been heard in a trial Court (Pet. for Re. U. S. Sup. Ct. p. 19, p. 20), it is necessary to give more details than in the usual review of a case and for so doing she begs the Court's indulgence. To a large extent this case is characterized by ommissions of such things like testimony and evidence (Opinion #19074 App. Pet. for Cert. pages 63-66).

The property in question (App. herein at 342,343), the result of a 40-year dream and 26 specific years of intense, incredible work mingled with blood, sweat, tears, and very rich monetary investments from 1944 - 1970 (Pet. for Re. S. Ct. pages 13,43) became the target for taking and opportunism afforded by the S. C. tricentennial celebration in 1970 and a gift from HUD (Pet.

for Re. S. Ct. p.44) and set off an avalanche of tragedy, inhumanity, persecution, illegal destruction of business, denial of due process, legal chicanery, collusion, fraudulent taking of property without compensation, all of which crimes have been continually repeated in order to cover the ones already committed until now (Pet. for Re. S. Ct. at p. 8 and p. 46).

The taking of the property was accomplished through the securing of a grant from the Federal government by contract of May 26, 1969 in 2 parts relating to the purpose of the grant and the specific property of this petitioner (App. herein at 356) to be obtained with Federal money incorporating "Exhibit A by reference" (App. herein at 357 HUD contract for taking and paying).

The Commission talked ONE WAY TO HUD to get the Federal grant according to the contract (App. herein at358,359) ANOTHER WAY TO THE LEGISLATURE to get the power of eminent domain according to a letter full

of untrue statements concerning the owner and property from the the Commission Attorney Gus Graydon to Sen. Walter Bristow (App. herein at 360), STILL ANOTHER WAY TO THE PEOPLE OF SOUTH CAROLINA who were led to believe that this petitioner's property was a dire necessary for them (App. at p. 348) and that the owner was little better than a criminal because she reportedly wouldn't sell, failing to mention what the necessity was (except for the possible parking of a handful of cars on a 200' frontage which couldn't be used in 1970 for any purpose because covered with 5 magnificent buildings) and that the owner had never received any offer for her property, and REPORTEDLY ANOTHER WAY TO A MONEYED PARTY who wanted the property for rich returns from tourism to be brought about by especially invited guests to the State such as Queen Elizabeth and president Nixon (Pet. for Re. S. Ct.pages 24 and 25) also news story (App. at p. 348).

During the year of 1968 prior to the Tricentennial-HUD contract publicity waxed warm spreading derogatory statements concerning the owner and her property while several other owners, with either small or no investment there and plants ready for their occupancy elsewhere, were negotiated with and finally paid handsome prices for whatever they had (App. at pages 361, 362).

Petitioner's property consisted of 5 buildings on a deep 200' lot on Laurel Street and ½ lot on Henderson (App. at page 342). There stood facing Laurel Street a beautiful Apartment Complex with 163 modern furnished apartments complete with all the necessities and comforts for living in 4 buildings (Pet. for Cert. S. Ct. at p. 5) with convenient driveways around the buildings, with a patio covering one entire lot and a giant oak in the center, and with beautiful shrubbery rooted and planted on the place during the construction of the apartments. In the patio picture note the circular bed of plants being

rooted (App. at p. 366).

There stood also facing Laurel Street a most attractive restaurant unique in location on the patio, unique in shape as it formed a horseshoe around 2 towering oaks (one end of the horsehoe being visible in the photograph (App. herein at p. 366) unique in quality of food, service, and price within easy reach of all whether residents of the apartments, working people anywhere, office personnel, university professors, students, etc.

The entire complex had just been completed in full when the Commission started its campaign of false publicity in 1968. Note last receipt on construction improvements (App. at 369). The Commission considered the complex with 163 newly-built apartments and restaurant containing 131,474 square feet of beautiful new plastering, 31,312 linear feet of baseboard, 1250 standard doors and 665 odd size doors for closets and storage rooms and everything

therein as the property of the Commission long before the legislature enactment bestowing eminent domain power in 1969 (App. herein at pages 363-368).

The Commission was so sure of owning it in 1968 that it colluded with the city of Columbia to entice the city into using its power of eminent domain to take the valuable property and give it to the Commission which was too temporary a public body to hold such power on its own. Read the reference to this at the bottom of the page of city notes (App. herein at p.). The city, upon realizing that it should not use eminent domain for any but its own function dropped out of the collusion. An official since then has plotted unethically and illegally since 1970 to take all her remaining properties (App.at 274, 276, 29[illegible].

With her lot covered with 5 magnificent buildings the property could not be converted into a handful of parking spaces for which use it was publicized as being

condemned in 1970 which year was about over when the property was taken. Although the opportunism afforded by the Tricentennial party of 1970 and the HUD grant of 1969 did enable the Commission to take property, inquiries as to why the property was not used in 1970 to carry out the purpose for which it was condemned have remained unanswered.

The Tricentennial attorney himself when begged in late 1970 to leave the buildings alone and let the people occupy them, since the year for which they were condemned was about over and the lot hadn't been used (a gentleman tenant named Smyrl had also clocked the Commission's own parking lot during 1970 and had found that it was never used to capacity and was used little at any time except for a few cars), couldn't be used in 1970 already about over, was never needed, and was never really intended to be used for that purpose, said emphatically "the purpose for taking doesn't

matter. I'm going to get this property if it takes me 5,10, or even 15 years to do it."

Petitioner's property became a football when it was tossed to HUD under false pretenses. According to the contract the government did not intend to destroy 163 new furnished living units that were so sorely needed for living purposes that people wept for them and George Romney's office in Washington appealed to owners throughout the country to rent more rooms and apartments at that very time.

In specifying the kind of property the government would pay for as a condition of eligibility for Title VII assistance the law states that "any structure thereon by small and deteriorated or dilapidated" (App. herein at 354). The attached pictures of these properties made in 1970 with brick walls 2 to 3 times as thick as standard brick walls are far removed from the falling down shacks described by the

government as proper buildings for demolition (App. herein at p.).

HUD laws requiring that "no other property be available for the purpose" (App. at 363-368) was completely ignored as there was and is at the front door of the old house in question an entire block available and perfect for parking during a temporary celebration in 1970 had there been any need for it.

The petitioner was publicized as refusing offers of the Commission, dodging negotiations for purchase, refusing to give options, placing too high a price on her property (Appelees brief U.S. CA at p. 5,6) while in truth she received no offer at all for her property in 1968, had no reason for negotiation, had no opportunity to give options, and gave no price whatever for her property because she was not asked for one. (Pet. for Re. S. Ct. pages 23-26).

The petitioner even went so far as to inquire why she had not been approached

with an offer when the report was out that some owners who had built plants outside the city and were doing business on that property only temporarily had been sought out for constant negotiation with the Commission for many months and had finally received a big price for what they had. The petitioner stated that she thought she was being ignored because she had such a tremendous investment there for which the Commission had no intention of paying and was left alone because while the other owners could carry on business anywhere as well as or better than there, her 163 furnished living units and restaurant the result of 26 years of hard work and investment there in that spot WERE HER BUSINESS.

From the beginning of 1968 to October, 1970, Miracle Apartments was the center of interferences, annoyances such as appraisers measuring the grounds with sticks week after week and breaking into the buildings where severe damages were soon discovered,

fear instilled by those who destroyed the petitioner's business and drove out her tenants, damages, intrigue, dismay, heartache, irrelevant court orders, threats, deputies with guns, preclusion of petitioner from any defense of her property, and desperation to the point of death where prior to the inroads by the Tricentennial Commission peace and happiness had been the keynotes of life there.

HUD Contract Signed

The minute James M. Barnett, Executive Director of the Tricentennial Commission, signed the contract (App. herein at p. 359 for the taking of the Timmons property, the Commission became responsible for keeping all the terms of that contract and the Federal laws in connection therewith, AND THE PETITIONER WAS GUARANTEED THE PROTECTION OF THE LAWS IN CONNECTION THEREWITH.

The Commission violated the terms of the contract and HUD laws involved. With the Commission violating the Federal laws and the petitioner receiving no protection

by reason of the laws she was in double jeopardy without the faintest chance for due process. The petitioner realizing that the Commission was in violation of Federal laws, wrote to HUD repeatedly for help (App. herein at 348). She received answers from the Secretary of Housing and Urban Development and the Assistant Regional Administrator but no help ever came. Nothing was ever done in her defense (App. herein at p. 348-350).

The minute that Tricentennial-HUD contract was signed THE OWNER WAS HELPLESS WITHOUT THE PRIVILEGE OF FREE ENTERPRISE AND ENTIRELY DEPENDENT UPON THE OPERATION OF FEDERAL LAWS FOR JUSTICE AND PROTECTION. With only violations of Federal laws by the Commission and without operation of Federal laws necessary for her protection (Pet. for Re. S. Ct. pp.33-42) for petitioner was tossed about illegally and fraudulently and forced to lose her valuable property of

26 years of work and investment, business, income, health, home, constitutional rights and livelihood and is appealing to this Court for help in her condition of emergency and for protection against the fraudulent claims and violent activities against her.

Legislative Enactment

In order to acquire the petitioner's property in accordance with the terms of the Commission-HUD contract already agreed upon the Commission asked the Legislature to bestow upon it the power of eminent domain. The Legislature was high-pressured into bestowing the power of eminent domain by a letter from the Tricentennial attorney to Senator Walter Bristow requesting quick action solely and exclusively against this one owner and quoting untruths concerning her (App. herein at 360) and by another letter supposedly backing up the letter written by the attorney, from Mr. Barnett, the Executive head of the Tricentennial Commission, who weakly and evasively affirmed the attorney's letter in the last

line of his communication 10 days before the attorney even wrote any letter (App. herein at p. 370, 371).

After the matter was in the Legislature for the false reason given by the Commission that petitioner refused many offers, etc. by the Tricentennial, the truth came out somehow that no offer had ever been made to her, and the attorney was ordered by someone in the legislature to make an offer at that time. After all the false accusations against this petitioner concerning her refusal to accept numerous offers, etc. during the year 1968 and because of some legislator's discovery of the falsity of the framed-up stories about the owner, ONE LITTLE NOTE CAME FROM THE COMMISSION OFFERING PETITIONER $250,000 FOR HER PROPERTY, a price derived from 2 sources, an auction sale of some years before which didn't take place as the ownership of the property didn't change and on the basis of AN MAI APPRAISAL THAT WAS

FRAUDULENT without the support of any negotiations as called for by Section 402 of the Housing and Urban Development Act of 1965 (App. at p. 370).

Upon the threat of the Commission to bring suit if the owner didn't grab that one-letter offer made under pressure of the Legislature (App. herein at 373), she employed Attorney Welch Morrisette about the end of May, 1969 paying him $5000.00 borrowed with difficulty because all her business was being drained or driven away by the Commission, on his agrement to first bring an injunction to preclude the Commission from condemnation but if that failed, TO TAKE THE CONDEMNATION CASE THROUGH THE FEDERAL COURTS including the Supreme Court of the United States if necessary. If it should not be necessary to go to the United States Supreme Court, he agreed to refund $2000 but by the time he wrote the letter he changed the figure to $1500 of the $5000 paid him (App. herein

at p.).

Mr. Morrisette set the pattern for all the others. He was paid as the result of great sacrifice by the petitioner. He was enthusiastic about winning until just before the first hearing took place.

Injunction Hearing August 19, 1969, Opinion #19074

It was the afternoon of August 18, 1969 when his views changed suddenly and completely and instead of wanting to get the best compensation possible he began telling petitioner to accept the offer, which he had said and knew represented only a token of its worth. Then he told her of a hearing the next day and instructed her not to talk much as this hearing was mainly for attorneys' argument but to make sure she said that her property was of no historical significance, which she told him she did not at that time know. Morrisette lasted through the first hearing but deserted the petitioner at the start of the closed-door pre-trial hearing

and was released by the judge on the false claim of non-payment, as were other attorneys who followed him.

This first hearing on August 19, 1969, reflected mixed issues. The Commission did drone on and on about possible uses for her property mentioning parking places for 1970 which were not needed, not wanted, and not possible with the 200' frontage covered with 3 million dollars worth of buildings. The Commission gave no valid reason the use for the property as any necessity for the public. The main conclusion was that the Timmons property was most desirable, and the Commission intended to take it.

The Commission at this first hearing stressed the BEGINNING DATES OF THE INJUNCTION AND THE CONDEMNATION CASES trying to establish wrongfully the date of service of condemnation as being ahead of the injunction issue, for their easy winning of the case hung thereon. The injunction was brought against the respondents the 6th

of June and the condemnation was never served on petitioner at all, no matter how many times the respondents try to make June 10 the injunction beginning and try to establish service of condemnation on the petitioner as June 6 or any other date by false affidavits or testimony of a process server.

AT THIS AUGUST 19, 1969, HEARING THE JUDGE SETTLED THE CASE FOR THE RESPONDENTS BY KILLING THE INJUNCTION MATTER SUPPOSED TO BE THE PURPOSE OF THE HEARING.

The 30-page opinion (Petition for Cert. page 36-66)states some excellent law which however becomes bombast when applied to this injunction matter with the exception of one paragraph explaining how the judge himself killed petitioner's injunction case and rendered any later adjudication of same surplusage. The Court says: "upon a petition from Commission's counsel, this Court modified that temporary injunction to allow the Commission to file certain

motions of a pre-trial nature in the condemnation action those matters are not for consideration at this time" (Pet. for Cert. p. 39). This action by the judge stated by him in Opinion #19074 was the springboard to Tricentennial success in the condemnation trial.

The judge did set aside the injunction which action resulted in killing it completely. Then consolidation of the injunction matter and the condemnation case further confirmed the death of the injunction (Pet. for Rehearing S.Ct. at p. 16). "The Court fixed the date as June 6 for the Tricentennial's petition when the true date was June 10, and the injunction date as June 10 when the true date was June 6 so that the injunction would be powerless to interfere with the condemnation" (Pet. for Rehearing S. Ct. at p. 17).

Had the injunction matter been adjudicated in the proper time order and with the proper judicial balance there never

would have been any condemnation case at all" (Pet. for Rehearing at p. 18).

When the Judge gave the case to the Commission at that hearing by modifying the injunction "to allow the Commission to file certain motions of a pre-trial nature in the condemnation action" (App. Pet. for Cert. at p.39), he killed petitioner's INJUNCTION then and there and rendered his adjudication in his decision #19074 of the six points claimed by the Commission to be the basis for res judicata, NULL and VOID as well as the decision of the District Court based on it and the affirmance of same by the United States Court of Appeals (App.Pet. for Cert. at p. 40, p. 25, and p. 22).

Secret Closed-Door Hearing

The plans and procedures for taking the petitioner's property were made at a closed-door hearing where her friends were denied admittance and a news reporter allowed only part of the time (Pet. for Re at p. 19) and at which hearing the following

events took place:

(1) Attorney Morrisette deserted the petitioner and the condemnation case at the start of the hearing and was relieved by the court from representation on the grounds of non-payment of attorneys' fees despite the fact that petitioner told the judge about the $5000 paid him for the entire case (Pet. for Re. S. Ct. at p. 19).

(2) A process server testified he had known the petitioner for 42 years and would know her anywhere and made 42 trips to serve her. Then he stated he made an affidavit swearing that he served condemnation papers on her June 6, 1969 which he said was untrue and that thereafter he made another affidavit saying he had not told the truth about serving her on June 6 but served somebody else, thinking it was she and that he did serve her on June 10th. Petitioner then testified that he did not serve her June 6th or June 10th or at any time at all (Pet. for Re. S.Ct. at p22).

(3) The petitioner asked the court in desperation to allow her a little time down to 1 hour to get legal representation and was told by the Judge: "This court is not concerned with whether or not you have legal representation. That is strictly your affair" (Pet. for Re. S. Ct. at p. 19).

(4) A little later the petitioner, aware that the attorney and Judge were making plans against her in low voices, asked the Judge if she was supposed to be there. He replied: "It does not matter whether or not you have legal representation or whether you are even present. I'm going on with the procedures now. I'm not waiting a minute" (Pet. for Re. S. Ct. at p. 20). The petitioner's heart froze within her at that moment.

(5) The court also told the petitioner: "If you do not obey court orders in a satisfactory manner, I will give the Tricentennial the decision without any hearing of if there

a hearing, you'll be precluded from testifying" (Pet. for Re. S. Ct. at p. 20).

(6) The judge and the Commission's attorney were busy with plans for taking and motions, some of which was carried on in low tones that the petitioner couldn't hear.

(7) The condemnation trial was set for December 1, 1969 (App. for Re. S. Ct. at P. 20). About November 24th petitioner attempted to transfer the case to federal court. On November 25th she was told to attend a pre-trial hearing for state court (App. for Re S. Ct. at p. 21*). She had already attended such hearing, which was a closed-door hearing, but went to the courthouse anyway. She spent 2 hours in the courthouse waiting for the hearing which never took place. While there she watched the Tricentennial attorney dashing from one place to another, telephoning excitedly and expressing his anger to groups of

*Correction p. 21, line 1. Should be Nov. 25 in place of Aug. 25.

people in the lobby here and there with such expressions as "She can't do that. She can't do that. She can't go to Federal Court. The case has got to be in State Court," etc. (Pet. for Re. S. Ct. at p.21).

The Condemnation Trial

On December 1, 1969, the first day of the trial, petitioner's attorney Arthur Cole couldn't talk above a whisper but the court forced him despite doctor's certificates to remain for hearing, leaving petitioner unrepresented and precluded from speaking for herself (Pet. for Re. S. Ct. at p.31). He was handed and tossed some kind of pills by the attorney and the court. The first day, however, was a lost cause. Besides her attorney not being able to speak above a whisper, on that first day a bundle of records was slipped out of the courtroom and kept somewhere overnight. On December 4th it was discovered that they had been tampered with and were misrepresented in the court before the jury (Pet. for Re. S. Ct. at p. 29, p. 36).

Collusions of the Tricentennial Commission with the City, The Home Federal, Fowlkes and Co., attorneys and appraisers, etc. were made manifest during the trial but all the testimony is missing (Pet. for Cert. S. Ct. at 29,35). Petitioner's approximate 25,000 documents were tampered with and stolen from which tampering and removal caused complete misrepresentation of her evidence. The chief records, the summary sheets of thousands of documents absolutely necessary for the jury's understanding never reached the jury at all destroying the last hope of justice on the part of the owner, and that last mishap wrung a weak apology from the Commission attorney (Pet. for Re. S. Ct. at p.35,36).

The Commission scheduled to die in a few months and with burial all paid for (Appellee's Br. CA at 9) did relentlessly and cruelly take her hard-earned wealth, home, business, health, livelihood, and good

reputation of a life-time and left her to die robbed of everything dear to her even her prized valuable family heirlooms and other precious possessions as well as over $300,000 worth of apartment furnishing, appliances, supplies, materials, etc. without any substitution as called for by federal law and without any compensation whatever for the 3 million dollar property taken (App. at 375-377 ; Pet. for Re. S. Ct. at p. 10, 11, 12, 13, 14, 37).

The Tricentennial attorney told the petitioner she could do nothing about the situation , that the judge active in the matter came out of his office, that the Clerk of Court was his brother-in-law, and that everyone of the S. C. Supreme Court Judges was his friend and would decide against the petitioner regardless of the issue or justice.

The Commission attorney also urgently advised the petitioner not to correspond with Mr. Armstrong of the HUD office in

Atlanta as he also knew the Tricentennial attorney and would side against her. The petitioner had had much correspondence with HUD officials in Atlanta and with The Honorable George Romney of the Washington office (App. 348-351) but the Judge barred from the record every bit of petitioner's evidence concerning HUD (Pet. for Cert. at 44)on which he later based his decision against her .

All during the trial petitioner was forced to suffer physically because of the unreasonable demands of the Tricentennial attorney who spoke for the court. During lunch hour he would make such demands as to cause petitioner to be greatly over-strained physically without food or drink going up and down stairs of 2, 3, and 4 story buildings. Then he would lie to the court saying petitioner refused to cooperate or, after he had ordered her to remain on the property to wait for the jury, that she refused to return to the courtroom and should have contempt charges made against her (Pet. for Re at 35).

for Re. St. Ct. at 14, 40).

One day after no lunch and a lot of physical strain the petitioner in a completely exhausted condition asked the court to allow her time for a cup of coffee and was refused. He just laughed at her request. She did suffer a light stroke and became very ill for a long period (Pet. for Re. S. Ct. at13).

The Commission won its case without having any facts at all in support of the condemnation action except that the Legislature bestowed the power and the Tricentennial Commission wanted the Timmons property and meant to take it to use for some indefinite purpose such as for parking a handful of cars in 1970 or for becoming a part of a modern drive to cross Laurel Street or for the planting of shrubbery, etc. There was no definite purpose given.

The jury awarded the sum of $325,000 for a 3 million dollar property after the owner was not allowed to be heard in the

trial court, after her evidence on the significant matters such as HUD and her injunction against the city was barred (Pet. for Re. S. Ct. at p.28) after her 25,000 documents were tampered with, after listening to the trial rife with trickery, persecution of the owner, bullying by the Tricentennial attorney, and attempts of the Commission to turn a serious life-or-death question into a farce (App. at 31)and after they were not privileged to view the necessary summaries of many thousands of documents that never reached the jury at all. THE MISSING TESTIMONY would also substantiate every fact written here and much more (Pet. for Re. S. Ct. at p.29).

Timely appeals were made by the owner to the S. C. Supreme Court and the Supreme Court of the United States, which appeals were all denied. The owner's side of the case had never been heard in a trial court and there was really no record for a higher court to view. The Appeals Court had only

the false statements of fact by respondents on which to formulate an opinion(Br CA at 5,6).

The case against the respondents Lawton et al was brought in the District Court of S. C. under 28 U.S.C. 1343 and 42 U.S.C. 1983. The District Court dismissed the action on the doctrine of res judicata September 9, 1976 (App.at 241; Pet. for Cert. S. Ct. p. 25) and on June 21, 1976 denied petitioner rehearing (App. at 236; Pet.for for Cert. at p. 20). The Court of Appeals dismissed the case May 26, 1976 (App.at 238;Pet. Cert. at p. 22). This court also denied a writ of cert. (App. herein at p. 235) and a motion for rehearing January 25, 1977 (App. herein at p.236).

The instant case embraces the violations of petitioner's constitutional and civil rights on the part of all the respondents herein which violations (Pet. for Re. S. Ct. at p. 12-15; 33-42) together with the complete denial of recourse in court and the opportunity for

redress have brought about the dire state of emergency calling for this Court's supervision (Pet. for Re. at 13; App. pages 258, 274, 296).

Other Significant Facts Concerning Thomas O. Lawton, Jr. et al And Other Respondents:

1. Robbed of opening the 163 units so much needed petitioner was forced to close those then rented because of the tenants being ousted from their homes by the Commission. While robbing her of her property, the Commission became a guillotine cutting her income to the bone daily until she was left faced with bills, Court orders, and all the horrors that accompany a big business operation without the income from it. Under the conditions loans faded away. Her own dear sister, old and ill, lent her all she had and could get for attorneys in the amount of about $160,000 altogether in the hope that somehow justice would come out of it (App. herein at p. 378, 379).

2. The tenants were cruelly thrown

out, the owner was evicted during a week's absence for hospital tests to avoid a massive stroke (App. herein at p. 339).

3. The owner was not compensated for her property nor awarded relocation funds as required by law (App. at 357,375,377). She was suddenly thrown out to die ill from overwork, persecution, and high blood pressure without a home, business, or hope.

4. The acquisition of title came about 16 months after the Tricentennial-HUD contract when the law requires that title be acquired within 6 months time (Pet. for Re. S. Ct. at p.37; App. at358).

5. The petitioner lost her valuable income property, her business, income, home, untold wealth of personal property, health, and livelihood to suffer the heart-break of injustice, the horrors of illness due to the lack of subsistence and medical care, the awful loneliness due to the complete misunderstanding of the crimes that had taken place against her and heart-rending grief because of the tragedies that resulted from the taking (App. at p. 380).

6. Petitioner's property was not used for parking in 1970 for which it was condemned and her lot was covered with 5 magnificent buildings throughout the year 1970 and part of 1971 (App. at p. 363-368).

7. The 200' frontage was not fully cleared off until the year 1977 after having been taken from owner and occupants inhumanly and cruelly with emergency speed in violation of federal laws with every move as a parking necessity for a state celebration at the close of 1970, for which year it was not needed, desired, nor possible to be used. In view of the progress in clearing, the lot is just now in 1977 6¼ years later in condition to be prepared for a parking lot for which it was condemned and taken in a furor of haste for the one year of 1970.

8. The celebration didn't pan out so well and the property was never used for the purpose condemned or for any purpose. This eminent domain under color

of law was a complete fraud against the owner of the magnificent buildings,who because of it, suffered through a long period of near-death illness due to being thrown out without her business(toward which she had struggled for 26 years) her home, and her income (Pet. for Re S. Ct. at 11).

9. The owner is still without compensation for her property, without income, business, or home, without security, the necessities of life, strength, sufficient eyesight to fight her own battles, and money for all things including legal help(App.at 275,336).

10. After Morrisette, the first attorney, deserted the petitioner and was excused by the judge, other attorneys were in like manner employed, paid, turned from their course, and released by the Judge without the knowledge of the petitioner in most cases. Just as Morrisette quit her case on the eve of a secret, unjust antagonistic hearing, so did the others quit her case at the most crucial times.

Petitioner's Emergency Status

11. The petitioner has been forced into a desperate state of want and suffering by fraudulent acts beyond her control (Pet. for Re. S. Ct. at p. 8). Her buildings representing 40 years of intense work and investment are being burned around her (App. herein at 274 ; pet. for Re. SC at p. 9). She needs money to save her life and property. Robbed of her last vestige of constitutional rights and deprived of her civil rights as accorded by 42 U.S.C. 1983 she has been denied all recourse in Court, the last denials being May 26, 1976, June 21, 1976, Dec. 6, 1976 and Jan. 25, 1977 (App. at p. 243, p.236,p.235 and p. 252). A news story dated Feb. 14, 1977 suggests her state of existence in the head lines "Now Miss Timmons really needs a miracle (App. herein at p.).

Legislative Solution

12. "Special" legislation (App. herein at 276) against the petitioner resulting in the bestowal of eminent domain power

upon a temporary commission limited in both time and function has taken from her a 3 million dollar property without any compensation at all (Pet. for Re S. Ct. at p.40), has caused the loss of her constitutional rights, has rendered her remaining properties non-productive and right now on the verge of confiscation under color of a sheriff's sale July 5, 1977, and has reduced her to a terrible condition of want and insecurity (App. herein at p.260,275).

The bestowal of eminent domain power on the temporary commission for the purpose of "special" legislation is illegal, but THIS LAW-MAKING BODY CAN GIVE TEMPORARY RELIEF to the victim who has been so defrauded of her valuable income property by the State without any compensation whatever (Pet. for Re S. Ct. at p. 13) and/or can order payment for her property in a lump sum or at the rate of $350,000 per year for 20 years, which amount would represent less

than one-half of the damages originally computed as lifetime returns on the property taken (Pet. for Re. S. Ct. at p. 12).

This Commission used its eminent domain power to rob this owner of her hard-earned wealth and the necessities of life without the slightest reason for so doing and then was killed officially (S. C. Statute 1130-1971). The Legislature was led to bestow the power of eminent domain because of the falsehoods concerning the owner and property presented to the law-makers (App. herein at p. 360).

Commissioner of Internal Revenue

13. The Commissioner of Internal Revenue wrongfully collected Sept. 7, 1976 $75,695.73 from the funds allegedly set aside for petitioner's property (App. herein at p. ; Pet. for Re. S. Ct. at p. 10). He did this on his own claim that he sent a deficiency notice 3 years before to an address in Miss. where she has never lived and about which alleged mailing she knew nothing (Pet. for Re. S. Ct. at p. 11).

Petitioner made a motion to the Tax Court (App. herein at 281) to appeal for jurisdiction of that Court.

A hearing was held on Nov. 3, 1976 and briefs ordered to be written (App. herein at p.). Due to physical inability and failing eyesight petitioner seeks a 3rd postponement until August 8, 1977 (App. herein at p. 256).

She hopes to be able to employ an attorney in June. It is terrible to have to prepare legal papers without being a lawyer, without eyesight, without means of livelihood, or money with which to pay a lawyer.

The assessment was illegally made and collected. The deficiency notice was sent to the wrong address without her knowledge and with the Commissioner's knowledge of the true address (Pet. for Re. S. Ct. at p. 11). Besides other contacts the Commissioner had in his files tax returns for 1970, 1971, and 1972 showing Ft. Lauderdale, Fla. as

her home address. Affidavits from Miss. proved no residency there.

The Commissioner's chief witness was a man involved in a false claim in the Tricentennial taking of petitioner's property with no relation whatever to the tax matter. Other witnesses' information came from him (R Tax Hearing Nov. 3, 1976 available at once).

The assessment was 100% wrong and was illegally collected. No consideration was given to the actual cost of the property nor to the loss of $3,449.030.97 sustained by the owner in 1970/ (App. at 277). Since collecting approximately all the money held as payment for her property, the Commissioner has sent another bill for $8,640.75 (App. herein at p. 323). The owner has never been paid a penny for her 3 million dollar property which had a potential income of $250,000 a year by 1970 (Pet. for Cert.at p. 12) and is living in want and misery because of the fraud and treachery exercised against her (Pet.for Cert. at p. 13).

All of these painful conditions are

due to the paralyzing effects of the taking of her chief income property, her business, her home, and her present, past, and future life by the respondents in the instant action without any compensation at all. (App. for Re. S. Ct. at pages 11, 12, 13, 26, 27). The sending of the Deficiency Notice is fully explained in petitioner's motion to the Tax Court (App. herein at p. 281).

Confiscation of Remaining Properties

14. Mr. Joe Winter, Head of the Rehabilitation Department, City Hall, Columbia, S. C. has since 1971 jeopardized petitioner's properties by unnecessary and illegal condemnations (App. herein at p. 296). When petitioner had to leave because of an extremely serious physical condition, every building was in perfect working order but was filled to the brim with goods from the Laurel Street Complex and other valuable storage removed from Laurel St. by Court order (App. at p.382).

Mr. Winter's confiscatory acts were accomplished by publicizing falsely that the owner "absconded" the state (App. herein

at 282) to escape creditors (after 40 years spent in paying creditors she had only 2 left on record at that time with both of whom she had an excellent standing), couldn't be found anywhere (when, as a matter of fact he and others were in constant communication with her directly and through attorneys and knew she was very ill) and refused repeatedly to repair her buildings, while at the same time she was and is being officially denied a permit to repair her buildings (Pet. for Re. S. Ct. at p. 13,14) and has been persecuted beyond belief, suffering the theft of building contents worth over $300,000 and untold sabotage on the increase constantly by reason of denial to the owner of a building permit for repair work as damages occur. (App. at p.298; Pet. for Re S. Ct. at p. 13).

Mr. Winter's role in the downfall of petitioner's properties was and is so closely intertwined with the illegal taking by the respondents Thomas O. Lawton, Jr. et al in

the instant action as to be one and the same. Prior to the taking of the Laurel Street Complex by respondents the city and the Tricentennial agreed in 1968 on the side to take petitioner's property by its power of eminent domain and hand it over to the Tricentennial Commission but not for the purpose of carrying out its own function as constrained to do. City notes reveal this collusive attempt (App. herein at p.). Failing in that illegal agreement, the city or Mr. Winter then persecuted this owner to take her remaining properties (App. 291,298,299,306,309,315,285-290).

The unreasonable and inhuman demands of the respondents Thomas O. Lawton, Jr. et al for removal of enough valuables to fill a city block in 30 days time without means or room to put them and the subsequent necessity for the owner to fill her remaining properties with 40 trailer vanloads of items left after the theft of much of the most valuable storage furnished a great

opportunity for Mr. Winter to get a winning start in the confiscation of the owner's remaining properties (Pet. for Re S. Ct. at p. 14). With her buildings filled with the Laurel Street goods ordered out by the respondents, Mr. Winter then condemned all the buildings because they were filled with emergency storage.

Since 1971 the petitioner has tried to get building permits to make any repairs to damages to her buildings and has been refused. When she was forced to fill the buildings with storage, they were in perfect working condition down to every wire and pipe. The storage was to be temporary but Mr. Winter made it permanent. His condemnation destroyed the buildings. By false and derogatory publicity he gave the green light to thieves and some others seeking to get control of valuable property without paying for it (Pet. for Cert. at 14, 15). Destruction and theft took over, fires raged, and as a result the owner finds herself in the awful conditicn necessitating the filing

of a petition for help (Pet. for Re S. Ct. at p. 13, p. 44).

Such scheming has gone a long way when it leads to the arrest of a feeble old lady on a made-up criminal charge. Upon her first return to Columbia about Nov. 25, 1975, after several years of near-death illness and before the doctor released her for travel, Mr. Winter swore out 6 criminal warrants against the petitioner and had her arrested in the courtroom with threats of handcuffs and being dragged from the courtroom if she objected (App. at 285-290). About 1½ hours after the jury began deliberating on the verdict in the case of the false claimant McGrath against the petitioner for which she had returned to Columbia she was marched across the courtyard to go to jail where the jury could see her.

There had been no crime committed, no misdeameanor, no nothing. It seems she had failed to repair 6 buildings with 72 living units during the few hours she had been in

Columbia, ill and penniless as she had been since the stealing of her property in 1970, when such a job could easily require from 1 to 2 years time for a builder with all comforts and lavish resources with which to do the work. Mr. Winter seems determined to demolish the buildings (App. at 296,306,307). to charge a price for so doing which price she is precluded from having by his illegal condemnation of her buildings, to seize the property as payment for demolition, and, according to gossip, etc. to turn the property to some moneyed individual.

The petitioner needs and wants the cooperation of Mr. Winter but cannot endure such rank injustice and disregard for conconstitutional rights. Unfair official discrimination against a property owner is murder. This owner i: in dire need of help that comes only by proper recourse in court for the recovery and protection of her rights.

John McGrath False-Claim Case

15. The Supreme Court of South Carolina

affirmed the lower Court decision in the John McGrath false claim case Feb. 11, 1977 (App. herein at 262) and denied the petition for rehearing May 5, 1977 (App. herein at p. 253). Sheriff's sale of petitioner's properties has been set for July 5, 1977(App. at 290)

Petitioner has served notice of her intention to appeal to the United States Supreme Court (App. herein at 393) and is applying for a stay of enforcement of judgment. If stay is not granted, petitioner's condition of emergency will immediately become hopeless. The property put up for sale is the only property that the owner might be able to sell since most of the other pieces are being fraudulently controlled by a city official who is forcing them to be unusable and unsaleable for this petitioner (App. herein at p.296).

The properties to be sold by the sheriff are the most valuable of all and represent many years of investment. It is tragic that the completely false claim-

ant McGrath has schemed his way to be in position to confiscate the petitioner's remaining properties. She has struggled for them so long and has managed somehow to borrow money to hold them since the Commission fraudulently took her apartment complex worth 3 million dollars and paid her nothing.

McGrath has greatly added to the suffering of petitioner who has existed under the weight of unbelievable hardship, want, and grief since the Commission needlessly confiscated her 163 apartment units and restaurant which he promised to return to her or get proper compensation for her. He also caused her creditor and his benefactor to suffer a stroke in her effort to get to the infamous trial to testify for petitioner. Record has been filed with Clerk of U.S. Supreme Court.

The false claimant McGrath was employed to bring a damage suit against the state for the illegal and fraudulent taking of the petitioner's main income property seized by the respondents in the instant

case Thomas O. Lawton, Jr. et al without compensation but who upon seeing her remaining properties devoted all efforts towards stealing them for himself and never even touched the damage suit at all (Pet. for Re S. Ct. at 15).

South Carolina had no jurisdiction over a contract made in Florida and not carried out anywhere, and John McGrath was not even a member of the bar in Florida or South Carolina (See Ill. Sup. Ct. Lozoff v Shore-Heights, Lts. 4/5/77 at p.). nor did he represent the petitioner at all in the state of South Carolina beyond the picking up of a check for a creditor for his own satisfaction on the one trip to Columbia he was authorized by contract to make for the filing of a damage suit, which he never touched at all.

Instead of carrying out the simple terms of the contract which were to sue the State for damages incurred by the Commission taking, to be paid expenses of $2500 - $3000 plus a percentage of all

money won over $325,000, to stay out of Columbia prior to trial except to file the damage suit and not to get mixed up in petitioner's affairs, he went to Columbia again and again and employed attorneys there to gather information for him such as property plats, etc., all of which petitioner already had, to testify for him, and otherwise assist him in his purpose of confiscation to be carried out under the guise of working in behalf of the petitioner.

He created false bills against her for purposes of the hearing only and based his claim on a foundation of complete falsity. He demanded expenses of $100,000 from the petitioner to pay himself and his professional aides for the evil deeds committed against her in the attempted confiscation of her own valuable properties.

A verdict of $35,000 was obtained by presentation of a complete creation of lies in a court where petitioner's lawyer was excused from the case as it opened and

another one entering the case was denied time even to look over the record before starting the trial. The trial of the case was also characterized by much unintelligible jargon by McGrath, by testimony of an expert who adjudicated the case for the jury to make his expertise apply thereby misrepresenting the entire matter, and by a false arrest of the petitioner on criminal charges in the courtroom to prejudice the jury, as no crime or misdemeanor had been committed. Petitioner's 68-page brief clarifies the case and has been transmitted by the S. C. Supreme Court for the Appeal to the United States Supreme Court.

Petitioner's application for stay of enforcement of the McGrath judgment is being mailed to the Clerk of Court at this time.

If the enforcement is not stayed, the petitioner stands to lose her most valuable properties and maybe all of them which are her only hope.

Funds Allegedly Petitioner's In Hands of Judge Grimball

16. The $325,000 representing about one tenth of the value of the property and allegedly held by the Court for petitioner was available to any and all other claims false or true except the owner's and THE CLERK OF COURT WAS WARNED SPECIFICALLY NOT TO PAY ANY MONEY TO HER. A letter from the Commission Attorney to the Clerk of Court clearly spells out the matter (App. herein at 331). He destroyed her way of life, broke her completely and then deliberately kept her a pauper so that she couldn't take any legal steps against what had been done.*

Petitioner's attorneys at one time or another made efforts to get the money but failed. One attorney's letter indicates very clearly the type of hassle that each one of them ran into or sensed before he disappeared from the arena completely. The reasons for not paying the money changed constantly (App. herein at p. 375).

A part of Attorney Allen's letter is

*With all things taken and Court money withheld petitioner saw no way to live or die.

quoted as follows:

> "Judge Grimball's requirements to release this fund is for me to make arrangements for you to physically be present either in a formal proceeding or in an informal proceeding in his office in which you will formally state, in his presence, what you want done with your money, i. e., who to have the check issued to, and sign a release against anyone involved in these funds, stating that you have no claims against anyone involved in the proceedings against your properties involving the Tricentennial vs. yourself" (App.herein at p.).

Payment of Mortgage Balances Refused by Judge

The petitioner, stripped suddenly of income, business, home, etc. still had 2 mortgage balances with 1st Federal Savings and Loan Association and the Citizens and Southern National Bank she was paying by the month and decided to pay them off through the Court. Three or four attempts were made by several lawyers, the banking institutions (App. herein at 394 and 375) and the petitioner, all with her signed consent, but the Court would not pay these balances, the only 2 legitimate debts on record at that time, causing great anxiety

to the petitioner who had lost everything including income, business, home, etc. and was forced to try to borrow money each month for 2 mortgage payments. For a long period of time petitioner's mortgage payments ran about $3000 per month.

An entirely false claim was presented to the Court simultaneously with petitioner's legitimate claims by an appraiser named Robert Fowlkes who appeared to be guilty of collusion with the Commission attorney and that claim was paid by the Court without the knowledge or consent of the petitioner.

Other false claims were paid without notice to petitioner who was ill so long with anemia that she kept her address and telephone number with the Court as well as dozens of others at all times.

False Claimant Robert Fowlkes

17. The Honorable John Grimball paid Robert Fowlkes (the false claimant paid in lieu of the 2 mortgage balances requested paid by petitioner) $9,644.90 (reduced a little from the $10,000 false

claim to avoid possible appeal in Federal Court) from the $325,000 in the Court's keeping allegedly belong to petitioner.

The petitioner did not owe Robert Fowlkes this money, and no one was authorized to pay it. Therefore, it must of necessity be returned to her by Judge Grimball or Robert Fowlkes. He in fact represented the Tricentennial Commission with every word he uttered apparently by agreement reached just prior to his testimony at the condemnation trial which testimony has disappeared from the face of the earth according to report. The petitioner could not get a penny of the money but her enemies seemed to have little difficulty collecting any amount desired.

Prior to the so-called trial petitioner heard Fowlkes say in the presence of Attorney Cole that he had appraised the Complex and found it to be worth "better than 3 million dollars" and would so testify, but after his apparent agreement with the

Tricentennial attorney he couldn't bring himself to say that all the wealth of buildings amounted to even $1.00 in value.

Judge Refuses to Pay Two mortgage Balances

At the time Judge Grimball paid this unauthorized claim to Fowlkes he was petitioned with signed consent of the owner for payment of 2 mortgage balances, one to the C & S Bank and one to the First Federal Savings and Loan, but he refused to pay these just balances then and forever after. Instead, he paid a false claim to Fowlkes without her knowledge or any authorization whatever. A complete file on these applications is available (App. at p. 394).

The petitioner suffered agony over his refusal to pay the true debts and his alacrity in paying false claims. Because of his abuse of discretion and his arbitrary refusal to pay the small remaining balances the First Federal is now foreclosing on the only possible roof over petitioner's head during this period of Court hearings.

Attorney Arthur T. Cole

18. The Honorable John Grimball paid Attorney Arthur T. Cole $18,409.60 which was neither due nor authorized by petitioner. According to his agreement with petitioner he had already been paid in full for his misrepresentation before this paying-off by the judge ever took place. He did her only harm. When an attorney was in order, he was in hiding. When he was not in hiding he killed any chances she may have had to win a fair award.

On the first day of the trial, on which day he couldn't represent the petitioner because of the serious condition of his throat which the heartless judge ignored except to toss him an occasional pill alternately with the Tricentennial attorney's tossing, Cole was of no service whatever to the petitioner through no fault of his own. She couldn't represent herself in Court with an attorney physically present, and he couldn't speak above a whisper.

After the first day he appeared to be

in tune with the Tricentennial attorney. The time came when she tried to dismiss him in Court but was not allowed to speak. Out of Court he could not be found. After the trial was over he remained in hiding. When a lawyer tried to enter the case for appeal purposes he would refuse to answer his phone or his door (his home as he had no office at that time), or to allow any contact to be made with anyone seeking him. That ended all hope of appeal.

One lawyer came from North Carolina, wore himself out with trying to find Cole, and at the last minute of his day in Columbia someone pulled Cole out of hiding by the collar from behind some clothes hanging in a shop near the Courthouse. There was only one side, and it appeared to be Cole's mission to keep it that way. As long as Cole stayed in the case and out of sight, nobody could help Timmons, it seemed. And so all appeals went down the drain without even a gesture to help the petitioner -- with no lawyer, no evidence, no testimony,

no chance to be heard, and no just trial court, the U. S. Court of Appeals could find nothing on the petitioner's side to consider. The missing record proves that.

The petitioner worked 26 years day and night with building, drawing plans, supervising jobs, borrowing money, traveling to find the right building material to match the beautiful moldings, etc., in her buildings, buying, paying, furnishing, and renting to achieve a 3 million dollar plus apartment and restaurant complex and received absolutely nothing for all that. Cole - after the first day in Court-appeared to be under the control of the Tricentennial attorney and the Judge, and walked off with $18,409.60 plus what he had already been paid. The owner was the only one the Clerk of Court was warned not to pay (App. herein at p. 295).

The newspaper, which was the main support for the never-really-brought-to-life Tricentennial seemed to get off key in the Cole matter. It appeared that payment to him was arranged for 1971 according to

a news story that came out that year. It was 1973 before payment was made and the 1971 news story became true.

A letter from the Tricentennial attorney to John McGrath in Florida, who pretended to be bringing a damage suit against the state for petitioner, had all the ear-marks of being a silencer for any possible flare-up because of the newspaper missing the timing to the point of publishing a happening 18 months before it happened (App. herein at 327). There never was but one side to the case, and obviously the newspaper was not informed that any slight change could alter the set plan for taking the Timmons property. The letter from the Commission attorney to McGrath in Florida just said in essence, "Forget it." (App. herein at p. 329).

Petitioner Judicially Denied Legal Representation

19. In her efforts to obtain legal representation for pressing urgent matters strategically important because all of her

properties and any hope for continued existence are in the balance, the PETITIONER ASSIGNED $8,000 TO ATTORNEY WILLIAM F. ABLE from the fund allegedly hers held by the Court. PAYMENT WAS REFUSED by the Court, and petitioner still is doubtful of any legal representation.

Since this same Judge excused her first lawyer from her case because of non-payment of fee when she had paid him in full prior to any hearing in the amount of $5,000, all other attorneys down to the last one appeared to have no trouble deserting this petitioner on the verge of the battle or any time at all. Petitioner's letter to her last attorney with copy to the Clerk of the District Court concerning this matter together with the attorney's letter to her is self-explanatory (App. herein at 376). From 1970 until now the Court has seemed opposed to this petitioner's having legal representation (App. herein at p. ; Pet. for Re at p. 19).

S. C. Taxes for the Year 1970 Collected

20. The Honorable John Grimball paid the S. C. Tax Commission $11,578.48 when no taxes were due and payment of same was made without the knowledge or approval of the petitioner who learned about it from a news story someone sent her later. She then made an application for refund (App. herein at 311) and was sent a check for $3,929.15 (App. herein at 313). The balance of the undue illegally collected money in the amount of $7,649.33 has to be refunded by the S. C. Tax Commission or Judge Grimball.

The S. C. Tax Commission courteously promised the petitioner a hearing at her own chosen time but after examination of records/ (pp. at p.). The taxpayer has been so weak and blind that she could not do all the paper work on masses of documents necessary for a preliminary examination or a tax hearing. In view of these awful circumstznces forced upon her and the fact that the taxpayer lost $3,449,030.97 by the fraudulent taking

of her main income property in 1970, for which year all the figures were properly reported (App. herein at 314), the money so wrongfully collected should be refunded without question or, if it is of so great importance that an old lady robbed officially and fraudulently of her hard-earned wealth and reduced to pauperism be further deprived of this possible means of existence for a limited time, then she should be furnished expert accounting and legal help for whatever bout that comes.

First Federal's Wrongful Foreclosure

21. The First Federal Savings and Loan Association with a mortgage over one of petitioner's properties, namely, 3104 Monroe Street, condemned illegally by a city official reportedly in preparation for confiscation by that power but providing shelter for her during Court sessions, began foreclosure proceedings on the erroneous basis of non-payment for December 1974 (App. herein at 272) when all payments had been made including December 1974 in

accordance with petitioner's proof presented to the Master in Equity (App. herein at p. 269).

The foreclosure brought by Mr. Billy Williams, President of the First Federal Savings and Loan Association of Cayce, S. C., has caused extreme hardship with ensuing disadvantages, tragedies, and embarrassment to such a degree that CANCELLATION OF THE BALANCE DUE OFFERS PROPER REDRESS (App. herein at 270) or in the alternative restoration of the mortgage to its original status, requiring principal and interest payments to begin August 1, 1977 (or the first day of whatever month follows the decision) and omitting intervening interest since December 1974 from which time the First Federal refused to accept payments (App. herein at p. 272), constitute an acceptable if not so desirable a course as cancellation of the balance.

The First Federal foreclosure was begun on account of the city's false publicity (App. herein at 272) concerning

petitioner's buildings and not for non-payment, the only justifiable reason for foreclosure (see petitioner's Affidavit in the Court of the Master of Equity at p. 271).

This property was forced into use as one of the six storage buildings necessary to hold the goods from the Laurel Street property condemned by the Tricentennial Commission at the end of 1[illegible] to be used as a parking lot for a short time that same year, although it was not possible to be used for that purpose that year, was never intended to be used for that purpose, and has never been used for any purpose until this day, the 17th day of June, 1977.

The building at 3104 Monroe Street was rendered totally non-productive as to income (except for 1 unit rented for life) by oppotunist Joe Winter who had it condemned because used mainly for storage of valuable goods as a result of the inordinate demands of the Commission and thereafter saw to it that the owner could not get a building

permit to keep the building in good repair before and after what appeared to be a series of carefully planned damages and theft of very valuable merchandise.

The Master in Equity, the Honorable Jasper M. Cureton, justly ruled out foreclosure because all payments had been made on the said mortgage since its inception even at the very time the foreclosure was begun (App. herein at 271). The First Federal noting the publicity concerning the City's intention to demolish and the false statements concerning petitioner suddenly refused to accept her payments and capriciously instigated foreclosure proceedings (App. herein at 270) after repeated attempts of petitioner to make payments (App. herein at 272).

On several occasions the First Federal itself delayed payments by following the petitioner's suggestion (and with her signed consent) to try to collect the remainder of the principal, not due but desired to be

paid by the owner, from funds allegedly held as payment for her apartment complex (App. herein at p. 272).

Judge Timmerman Reverses Master

22. The Honorable George Bell Timmerman reversed the dismissal of foreclosure of the Master in Equity, the Honorable Jasper M. Cureton (App. herein at p.) and ordered foreclosure of the mortgage on 3104 Monroe Street on which all mortgage payments had been made in full when foreclosure proceedings were brought.

The usual working of such foreclosure proceedings, in the face of the tragic circumstances of this action resulting from the taking of the petitioner's Laurel Street property by the original respondents and the crushing of her constitutional rights entertwined with the damaging actions by all of the respondents in the instant petition, would unjustifiably burden this petitioner to the point of rendering her helpless to fight for her life and rights already almost completely taken, when the

government usually gives a roof over the head of a senior citizen in need of one, the highest Court in the land would surely use its power to prevent the unjust deprivation of one of its senior citizens or in fact any one of its citizens of any age of her hard-earned roof.

Petitioner Without Social Security or Supplemental Aid

23. A hearing on the subject of government aid for the 74-year old petitioner is being scheduled by the U. S. District Court with the Honorable Sol Blatt, Jr., as Judge, the issues being aid through her deceased husband's social security which has thus far been refused and/or payment of social security to the petitioner on her own, which has thus far been refused, plus in either case sufficient supplemental payment for livelihood for a short period, or in the alternative any one of these three payments in an amount sufficient for existence a few more months.

The original hearing on the matter

was set for March 4, 1977, but a disappearing attorney (he disappeared from 3 other of petitioner's cases also at the last minute in the same manner) became the reason for a considerate postponement by Judge Blatt (App. herein at p.). The petitioner still cannot be sure of an attorney and is unable most of the time to go to another town for court herself. She has not received further definite notice which the Clerk of Court said he would send at the appropriate time.

City Owes Petitioner

24. The City of Columbia owes the petitioner for the damages done to her 6 properties with 72 living units by fires and other sabotage in a minimum amount of $550,000 plus $400,000 for valuable merchandise stolen from the 6 properties or a total of $950,000 because the damages to the buildings resulted directly from the misuse of official power and privileges on the part of a city official and from

the continual refusal of the city to issue building permits for the repair of her properties and the loss by theft resulted from unrepaired damages, widely publicized condemnations of buildings, and much derogatory publicity concerning the owner's absence from the state together with false statements concerning her properties (App. herein at pages 299,316).

The City's threats and persecution of this owner made her heart heavier and her fight for life far more difficult. Had it not been for this official's unjust actions against her, her buildings would have been rented from 1971 until now. She wrote Mr. Winter of her intentions and physical condition and sent contractors for permits to repair her buildings, but no permits were issued (App. herein at p. 298; 400).

Fourteen fires have burned petitioner's buildings since September, 1976, and other fires occurred before September. She

lives in mortal fear of damage and death. The procedure appears to follow this positive-action plan: damage, condemn, refuse building permits, destroy, remove, and take the very valuable lots as payment for demolition and according to report removal of buildings for Mr. Somebody who has or controls much wealth.

The income on 72 units for 7 years amounts to approximately $750,000 which the owner has lost by reason of malfeasance of a city official. That makes the actual damages $1,700,000, but this petitioner wants to repair her buildings and will not charge the city for forcing her to receive no income on her buildings deliberately made non-productive, and for her being totally without means of livelihood and experiencing a miserable existence for the past 7 years. She wants the right and the money with which to restore them as they were and to run them as she did prior to the city's illegal actions concerning them.

Citizens & Southern Bank Also Ignores Constitutional Rights

25. The Citizens and Southern Bank owes the petitioner $4500 plus interest from Aug. 29, 1968 due her by reason of the burning of her building on U. S. 1 North on that date, which building was mortgaged to the C & S Bank and insured July 24, 1966 for a 3-year term in the name of the C & S Bank at its own insistence with payment for insurance made by the mortgagor (App. herein at 398).

The bank placed itself in the unique position of being the only one with the right to collect the insurance. Whether the bank was negligent and did not do so is of no importance, since the insurance money is due the petitioner by the bank.

The bank has not paid the insurance to its client and the petitioner, who was quite ill in Florida when all of this was taking place, has recently learned that the C & S Bank did not subtract the $4500 due petitioner upon the transfer of the

mortgage July 20, 1972, to Mrs. Flora Plumer, who felt forced to use her money much needed for her own condition of old age and extreme illness to pay this mortgage which Judge Grimball refused to pay from the purse in his keeping alleged to belong to petitioner.

By failure to pay this petitioner her insurance money the Citizens and Southern Bank also followed the leader, the Tricentennial Commission,in the further crushing of this petitioner's constitutional rights.

State Highway Department Also Crushes Constitutional Rights

26. The State Highway Department continued the crushing of this petitioner's constitutional rights by the confiscation of part of her property on U.S. #1 South without just compensation.

The petitioner, very ill in Florida and suffering from the lack of the necessities of life because of the Tricentennial Commission taking of her main income

property by a sort of sham eminent domain a few months prior, high-pressured into settling by Attorney Pickens Rish who wanted the only sure money in sight as his fee to take the case from another attorney against John McGrath who was trying to take fraudulently the ill petitioner's remaining properties under guise of bringing suit against the Tricentennial Commission for taking illegally her apartment complex, and without a chance to go to Columbia to see and negotiate, did sign the highway release for the amount of $6,845.00.

When she returned to Columbia she discovered that the damages were so much in excess of the amount paid as to create a situation of GREAT INJUSTICE AND INEQUITY calling for the supervision of this Court, the only Court possible by virtue of this very petition of great emergency.

The main building was completely ruined by the highway's cutting off of a part of

it, the club house on the pond was burned down in some manner, a trailer court just prepared for the use of 48 trailers with underground lines completed and ready for use was of no value after the highway taking. The whole 10-acre property with a least a million dollar potential value was rendered useless for the purposes planned and being developed. A conservative estimate of the damages without regard for potential would be $128,000 in lieu of the $6,845.00 paid.

State Highway Department Again Crushes Constitutional Rights

27. The State Highway Department again crushed this petitioner's constitutional rights by taking an undetermined amount of her U. S. 1 property and seriously damaging the value and use of the entire parcel without just compensation.

Mr. Paul W. Cobb, Chief Highway Commissioner, Box 191 - 1100 Senate Street, Columbia, S. C. 29292 AND SHOULD PAY DAMAGES OVER AND ABOVE THE $16,000 ALREADY PAID, IN accordance with the decision of this Court,

or any Court, Justice, Body, or Expert Appraiser ordered by this Court to hold a "special" hearing for the consideration of real damages to this petitioner's property on U. S. 1 North at Rabon Rd. caused by the highway's taking of a part of it by eminent domain.

This case was PUSHED TO TRIAL OVER THE URGENT REQUEST FOR POSTPONEMENT TOGETHER WITH DOCTOR'S CERTIFICATES mailed by petitioner who was ill in Florida where she lives (App. herein at 336 , and 338), the owner was awarded a nominal sum of $16,000 in lieu of more than $140,000 damages actually incurred because SHE COULD NOT BE IN COURT TO TESTIFY, her attorney put in a notice of appeal and then refused to complete it, and the Court's acceptance of the misleading statements in the attorney's motion for relief as counsel which statements she, being ill in Florida, had no opportunity to gainsay, influenced other attorneys to

refuse the case until now, and this petition for writ is the one and ONLY AVENUE FOR ANY APPEAL FOR JUSTICE anywhere under these conditions

False Propaganda Has Contributed To Emergency Condition

28. In all of these cases which are entertwined as one contributing to this petitioner's present emergency status calling for this Court's supervision, she has been and is the victim of much false propaganda which precludes just consideration in this locality and necessitates writs from the one and only Supreme Court.

False propaganda has painted her as one who refused to pay her attorneys or anybody, who refused to repair her buildings (App. herein at 300), who refused to come to Columbia to Court, (App. herein at 401), who "absconded" the state to avoid creditors, etc. (App. herein at 248). On and on rolled the ball of lies, deceit, trickery, and fraud in all these matters in the instant action gathering momentum

constantly and threatening destruction to the point of the necessity for making this petition to the Court necessary.

REASONS FOR GRANTING WRITS

Recourse Necessary Because of Departure from Accepted Course

1. Special writs should be granted against: The Honorable Albert V. Bryan, Senior United States Circuit Judge; The Honorable J. Baxter Craven, Jr.; and, The Honorable John A. Field, Jr., of the United States Court of Appeals, Richmond, Virginia, TO VACATE THEIR AFFIRMANCE May 26, 1976 (App. herein at 238) of the decision of the Honorable Robert F. Chapman of the United States District Court of the District of S. C. with the judgment that "Annie Mary Timmons take nothing of defendants" (App. herein at 251) unchanged by the denial of rehearing June 21, 1976 (App. herein at 236) and denial by this Court of rehearing January 25, 1977 (App. herein at 252) and/or TO SCHEDULE A

HEARING OF THIS CASE "ON THE MERITS" because the 3-Judge Court has so far SANCTIONED DEPARTURE BY THE DISTRICT COURT FROM THE ACCEPTED AND USUAL COURSE OF JUDICIAL PROCEEDINGS in the basing of its decision on obvious falsity, false premises, omitted truths, etc., as to call for an exercise of this Court's power of supervision.

The petitioner asks for a hearing before a Federal Court away from Columbia, S. C., where false propaganda has thus far operated as a preclusion to justice in order that this petitioner be afforded a fair trial and the exercise of her constitutional rights.

The affirmation of the Appellate Court of the District Court decision was based on a number of untrue statements, false premises, omitted truths, twisted procedures, and improper consideration of a federal question, all in violation of Rule 19(b) of the Rules of the Supreme Court. (See appellees brief U. S. Court

of Appeals, p. 5 and p. 6; App. U. S. Court of Appeals, at p. ; footnote appellees brief C. A. at p. 5; app. C. A. at p. 24 and p. 25; and Pet. for Cert. pages 23 - 28).

The last line on p. 5 and all of p. 6 constitute a brief recital of untruths. Appellees' statement of the facts (appellee's brief C. A. p. 5 and p. 6) pinpoints the alleged operations concerning petitioner's property to the summer of 1968 which caused the request for eminent domain power in 1969 to appear more reasonable. There were no negotiations at any time and no offers at all in the year 1968.

It was the false accusations against the petitioner applied erroneously to the year 1968 that promoted and carried through the enactment necessary for the seizing of her property. This untruth served a real purpose. It wasn't easy to change that period to a comma and add "the exercise of the power of eminent domain..." (App. herein at 401) to an amendment to

an amendment to an amendment to bestow eminent domain power upon a temporary ghost of a commission already scheduled to die in a few months with burial all paid for.

It became necessary to create the image of an owner who constantly and consistently refused to cooperate, to accept offers, to give options, etc. in order to spur the Legislature into action. The owner had been completely ignored without any offer at all during the year 1968 while other owners there only temporarily with plants elsewhere and little investment in this location were sought out in 1968, negotiated with, and paid high prices for whatever they had.

The facts did not help the Commission get this property. It was no accident that these false accusations against the owner were earmarked over and over again by the respondents in straight copy and footnote for the year 1968 to justify their seeking for bestowal of eminent domain power

in the year 1969. The creator of false accusations can surely place them in any year he chooses.

The State Court opinion erroneously recited 1968 instead of 1969 as the year of the Legislature enactment bestowing eminent domain power upon the Commission according to Respondents (Appellees Brief C.A. footnote at p. 5). The respondents used the eminent domain power bestowed upon them as a cover-up for the taking of this property by fraud and illegality instead of by other Federal and State laws which do not afford the freedom for operation as does eminent domain power.

It was the year of 1969 while the Legislature was considering eminent domain power that the Tricentennial Commission was told to make some kind of offer to the owner and did write a short note to her stating a price (App. U. S. C. A. at p. 24; Appellees's brief C.A. at p. 6; App. herein at 372). This price was

based on an alleged auction sale, which never took place and if it had this petitioner would not have then been the owner of the property in question in 1969, and on an MAI appraisal, which was deceptive and fraudulent (App. herein at 404).

The appellate court had only false statements of refused "options" and "offers," "unwillingness (on the part of the owner) to reasonably negotiate," an "asking price of $2,500,000," and an "offer of $250,000" and "receiving no response from her" right down to the middle of page 6 (Appellee's brief C. A. at 6) where one statement of the truth occurs and proves the falsity of all the statements listed above with these words: "The Commission and the S.C. Attorney General, acting PURSUANT TO THE 1969 ACT commenced a condemnation action" (Appellee's brief C. A. at p. 6).

That line made all the prior statements applied to 1968 untrue because it proves that the legislature did not come into the picture publicly until 1969.

Adding the footnote,(Appellee's brief C.A. at 5) stating the court's error in naming the year 1968 as that in which the Commission was given the power of eminent domain, was a clever way of establishing a deceptive alibi should anyone ever realize the absolute falsity of all these so-called statements-of-fact. Yes! Somebody has questioned them, and the alibi didn't work. Besides that a 2nd sin never has justified a first sin. The facts stated didn't and couldn't apply "in the summer of 1968" during which year petitioner and her prorerty were totally ignored. This was one of the many fraudulent tricks employed in the taking of this property. The so-called court's error unless purposely made had no relation whatever to the false statements deliberately made by appellees completely misrepresenting the situation.

Lawton's motion for summary judgment (Appendix C. A. at 24) states the same untruths and adds more falsity as to the money which he said "plaintiff has refused

to collect")App. C. A. at 25). Petitioner tried to get the money through many attorneys and personally but failed (App. herein at 405) and has continued to fail to this day to get any compensation for her property.

The District Court states false basis for the opinion rendered in these words: "In the spring of 1969 a suit was filed" by the Tricentennial Commission and Daniel R. McLeod vs. Annie Mary Timmons, "Four days later Annie Mary Timmons... obtained a temporary injunction restraining the Commission..." (App. at 345). It is very pointed that the date of the filing of the condemnation suit was quite indefinite as "in the spring of 1969" and that the injunction suit was stated to have been filed exactly "4 days later." The injunction was filed June 6, 1969 and the condemnation was filed June 10, 1969 (Pet. for Re. At p.16). The petitioner admits that it was a clever neat way to avoid the ugly circumvention of the truth.

Exact dates were not used. The en-

tire case hinges on the date of the injunction, which was 4 days prior to the condemnation, and upon the judge's stalemating the injunction to allow the condemnation to go ahead of it (Pet. for Cert. at 39. Had the right judicial balance been observed there would have been no condemnation case at all. The many false statments plus the twisting of the facts concerning the date of the condemnation case and the injunction actually caused the wrong decision of the District Court and the erroneous affirmation of same by the Appellate Court.

The decision also states "a permanent injunction was denied" (Pet. for Cert. 16). The Appeals Court would naturally conclude from that statement that the injunction was heard and decided on its merits. That did not happen. The injunction matter was removed from an open hearing by the court to a secret closed-door hearing in which the date of the condemnation case was

arbitrarily changed from June 10th to June 6th and the date of the injunction changed from June 6th to June 10th, despite the testimony of a process server that he had not told the truth when he swore by affidavit that he had served the petitioner with condemnation papers June 6, 1969. Then he swore the untruth that he served the owner June 10, 1969 apparently in a desperate attempt to make it appear that service was actually made at some time. He never really served the owner at all (Pet. for Re. at 17).

These are samples of the untrue statements. In addition to this deviation from the usual course of judicial proceedings this case was unique in that all the testimony disappeared (Pet. for Cert. App. 64, 65). This big case with blown-up publicity throughout the state somehow didn't rate a word of testimony. As far as the petitioner knows it disappeared from the face of the earth (Pet. for Re. at 29).

THE COURT'S OPINION WAS BASED TO A LARGE EXTENT ON THE MISSING TESTIMONY (Pet. for Cert.; App. herein at 64, 65) and partly on evidence concerning HUD and the petitioner's injunction against the city, about which 2 matters the petitioner was barred from entering evidence in the record (Pet. for Cert. at 44). IT IS NO WONDER THAT RES JUDICATA EMERGED from such confused statements called facts.

The Appellate Court in disposing of the case on the basis of only the one issue of res judicata disregarded entirely the Federal questions involved as raised in the complaint. The very nature of these Federal questions excludes res judicata as a possible preclusion to recourse in Court.

THE COURT ACTUALLY ESTABLISHED THE MANY FEDERAL QUESTIONS IN THE PETITIONER'S FAVOR BY OMISSION OF THEM FROM THE OPINION BASED ONLY ON MOOT RES JUDICATA, a writ for proper consideration would be better than nothing.

A Question of the Significance of Non-Operation of Federal Laws

2. A special writ should be granted against the aforenamed Appellate Court to vacate its affirmance May 26, 1976, of the decision of The Honorable Robert F. Chapman of the District Court of S. C. and arrange a hearing "on the merits" in the case of Thomas O. Lawton, Jr., et al in order to settle the question which has not been but should be decided by this Court of whether a mixed taking by a State "Special" Legislation with the employment of Federal funds for a particular piece of property CAN LEGALLY STAND IF EFFECTED WITHOUT THE OWNER'S PROTECTION by way of the full operation of Federal laws created for eminent domain taking and without adequate recourse in Court WHEN PAYMENT AND PROTECTION WERE BOTH GUARANTEED BY THE FEDERAL GRANT CONTRACT OF WHICH THIS PROPERTY WAS AND IS A PART. The signed contract clearly established this point (App. herein at 355).

The total absence of the protection accorded by these laws would result in

invalidity of title for the taker and extreme emergency for the owner.

Disposition of Federal Funds and Departure From the Accepted Course of Judicial Proceedings

3. A special writ should be granted against The Honorable John Grimball, Judge of the Court of Common Pleas, Richland County Court House, Columbia, S. C., TO ACCOUNT FOR THE DISPOSITION OF THE $325,000 allegedly left in his keeping for the petitioner because, by not paying her the amount in full agreed upon as required by Federal law (App. at 352) or 75% of the full amount without prejudice if not agreed upon before owner or tenants could be evicted or the buildings touched and by arbitrarily disposing of Federal funds paid as a grant to the State of South Carolina with a definite contractual agreement with HUD on May 26, 1969 for the acquisition of the Timmons property with same, he has settled a matter of Federal law not theretofore settled by this Court and in payment of

all the false claims has departed far from the accepted course of judicial proceedings.

Attorneys have attempted to get the money from the Court for the petitioner and she herself in distress in Florida also tried to get it, but the owner couldn't get the money alleged to be hers (App. at 377).

On the other hand some others whom the petitioner did not owe appeared to have little difficulty collecting money from the Court without her knowledge or consent

Court Pays Fowlkes False Claim

4. A writ should be issued to The Honorable John Grimball TO REFUND UNAUTHORIZED PAYMENT OF $9,644.90 (a little under $10,000 to avoid possibility of appeal in Federal Court) made by him from the $325,000 fund in his keeping to Robert Fowlkes, Fowlkes Insurance Agency, 1600 Bull Street, Columbia, S. C. or to Robert Fowlkes who collected it on a false claim because

he was not authorized to dispose of money from Federal funds in his keeping in that manner, nor was Fowlkes authorized to collect it.

The peitioner did not owe Robert Fowlkes this money, and no one was authorized to pay it. Therefore, it must of necessity be refunded by Judge Grimball or Robert Fowlkes. He represented the Tricentennial Commission and not the petitioner with every word he uttered from the witness stand apparently by agreement reached just prior to his testimony, which has disappeared from the face of the earth, according to report. The petitioner could not get a penny, but her enemies seemed to have little difficulty collecting any amount.

Prior to the trial petitioner heard Mr. Fowlkes say in the presence of Attorney Cole that he had appraised the Complex and found it to be woth "better than 3 million dollars" and would so testify, but after his apparent agreement with the Tricentennial attorney he couldn't bring himself

to say that all the wealth of buildings amounted to even $1.00.

At the time Judge Grimball paid this unauthorized claim he was given special petitions with consents signed by the owner for payment of 2 mortgage balances, one to C & S Bank and one to 1st Federal Savings and Loan, but he refused to pay these legitimate balances then and forever after. Instead he paid this false claim without even her knowledge, much less her authorization. She suffered agony over his refusal to pay 2 just balances and his alacrity in paying false claims.

Court Pays Cole False Claim

5. A writ should be granted against The Honorable John Grimball and/or Attorney Arthur Cole, 2801 Devine Street, Columbia, S. C. to refund $18,500 paid to Arthur Cole from the money, a part of the Federal contractual fund, which amount was neither due Cole nor authorized by the owner. According to his agreement with the petitioner he had already been paid in full

before this payment ever took place. He did her only harm. When an attorney was in order, he was always in hiding.

After the first day of the trial, on which day he couldn't represent the petitioner because of the serious condition of his throat which the heartless prejudiced judge ignored except to toss him an occasional pill alternating with the Tricentennial attorney in handing or tossing him pills. She couldn't represent herself in Court with an attorney physically present, and he couldn't talk above a slight whisper.

The time came when she tried to dismiss him in Court but was not allowed to speak. Out of Court he could not be found. After the trial was over he remained in hiding. When a lawyer tried to enter the case for appeal purposes he refused to answer his phone or his door or to allow any contact to be made with anyone seeking him. That ended all hope of appeal. One lawyer came from N. C., wore himself out

and used up all his allotted time trying to find Cole, and at the last minute of his stay in Columbia someone pulled Cole out of hiding by the collar from behind some clothes hanging in a shop near the Courthouse. There was only one side and it appeared to be Cole's mission to keep it that way. And so all appeals went down the drain without even a word of testimony to help the petitioner.

The petitioner worked 26 years night and day building, drawing plans , supervising jobs, borrowing money in large amounts, traveling in search of the right materials to match the beautiful wood, etc. in her buildings, buying, paying, furnishing and renting to achieve a 3 million dollar plus apartment and restaurant complex and received absolutely nothing for all that. Cole came into the picture, appeared to play around with the Tricentennial attorney and the Judge after the first day of the trial and walked off with at least $18,500 plus what he had already been paid.

The newspaper, which was the support of the never-really-brought-to-life Tricentennial celebration got a little off base in the Cole matter.

It appeared that payment to him was arranged for 1971 according to a news story that came out that year (App. at 328). It was actually 1973 before the payment was made and the 1971 news story became true. A letter from the Tricentennial attorney to John McGrath, who had agreed to bring suit against the State for compensation for the property taken, appears to be a cementing of understanding between the two as well as a joint attempt to silence any flare-up because of the newspaper missing the timing to the point of publishing a happening about 18 months before it happened.

The news story caused a little ruffle in the Tricentennial set-up of facts and happenings scheduled to take place on the assumption always that the other side of the case would not be allowed to do anything

at all in connection with the taking. There was always only one side and obviously the newspaper was not aware or informed of even the slightest chance that anything might alter the set plan of the Tricentennial taking of the Timmons property.

Court Denies Petitioner Legal Representation

6. A writ should be granted against The Honorable John Grimball for the issuance of a check for $8000 to Attorney William F. Able, P. O. Box 6334, Columbia, S. C. 29260, to whom petitioner assigned this amount in her desperate effort to obtain legal representation for matters strategically important, because judicial preclusion from employment of legal representation guarantees denial of due process and constitutes such a departure from the accepted course of judicial proceedings as to call for this Court's jurisdiction.

Judge Pays State Tax Commission False Claim

7. A writ should be granted against The Honorable John Grimball and/or the S. C. Tax Commission through Mr. C. H. Brooks,

Director Income Tax Division, to refund the balance of the tax for 1970 erroneously collected and still unrefunded in the amount of $7,649.33 because no tax was due in 1970 and because the money was collected from a Federal fund embracing the Timmons property by contract on May 26, 1969, and the Judge in paying this tax settled a matter of Federal law not theretofore settled by this Court and also departed so far from the usual and accepted standard of judicial proceedings as to call for the supervision of this Court.

The petitioner learned about this payment by reading a news story sent to her by a friend. She then made application for a refund and was sent a check for $3,929.15. The Balance of $7,649.33 should be refunded by the S. C. Tax Commission or by Judge Grimball.

The Tax Commission courteously promised the petitioner a hearing at her own chosen time, but she has been so weak and blind that she could not do all the

paper work necessary for a hearing before the Tax Commission.

The S. C. Tax Commission and/or Judge Grimball should refund the balance of $7,649.33 without further ado because they know no tax could possibly be due by the petitioner for the year 1970, the year of the crimes committed against her resulting in tremendous losses properly reported. If, however, a hearing is necessary, the Commission should furnish the petitioner with the help that she needs, because of her condition of emergency due to no fault of her own but to unwarranted action beyond her control, for the preparation of her records for same.

This semi-invalid senior citizen didn't put herself in this helpless position and wouldn't be in this predicament had the respondents in the instant case not fraudulently and illegally robbed her. JUDGE GRIMBALL SHOULD REFUND ALL MONEY PAID OUT BY HIM WITHOUT AUTHORIZATION.

Commissioner of Internal Revenue Collects False Claim

8. A special writ should be issued against the Commissioner of Internal Revenue, Washington, D. C. TO REFUND THE $75,695.73 ERRONEOUSLY COLLECTED SEPT. 7, 1976 without one penny being due merely on the basis of his own claim that he mailed a deficiency notice 3 years before but without fulfilling the last half of the requirement of the Code stating "to the last known address" and TO CANCEL A 10-DAY NOTICE BILL JUST RECEIVED FOR $8,640.75 none of which could possibly be due because a hearing by this Court is necessary to settle the question as to whether a high-ranking Federal official or anyone of an opposing side is required to abide by the laws of this Democracy which control all others and also whether a taxpayer who is the victim of such a tragic situation shall be denied due process and an opportunity for redress in violation of all her rights

accorded by the constitution. THE QUESTION AS TO WHETHER BOTH SIDES OF AN ISSUE ARE EQUALLY RESPONSIBLE FOR OBEYING FEDERAL LAWS MUST BE DECIDED BY THIS COURT. It is of particular importance to decide whether or not the Commissioner should be allowed to exercise the power of a monarch who does not have to satisfy the requirements of the law but can take all of a citizen's property and destroy his chances of survival at any time by the same method that was employed in this case.

Upon learning that the Commissioner had sent her a deficiency notice, the petitioner immediately appealed to the Tax Court for a hearing even though 90 days had enlarged into 3 years (App. at 281). Petitioner had received a bill from IRS long before (App. at 323) and had answered it immediately (App. at 324). She had also called at the Ft. Lauderdale Tax office and was told not to worry about the bill - that she probably would hear

no more about it. And she didn't until she accidentally discovered a lien against her properties while in Columbia, S. C. and made a motion to the Tax Court.

Feeling that the Tax Court is the only fair solution of the matter, the petitioner is still striving for a hearing and has been allowed until August 8, 1977 to make her reply brief after 2 very considerate extensions of time by the Tax Court because she couldn't employ an attorney, is almost blind and does not have the strength necessary to cope with so many life or death problems. The Court order is printed in the Appendix (App. at 256).

City Crushes Constitutional Rights Following Tricentennial Taking

9. Since no law can stand in violation of the Constitution of the U. S. or any Acts of Congress, a writ of prohibition against Mr. Joe Winter should be granted to stop him from crushing the rights of this petitioner and to prove

that 42 U.S.C. 1983 does have meaning as a civil rights mandate in cases of extreme injustice, inhumanity, and lack of due process on the part of a city official or anybody and that amendments IV, VI, and XIV are still important parts of the Constitution.

It is a serious matter for a public official to be responsible for deprivation of the rights of citizens, and a writ should be issued to Mr. Joe Winter, Head of the Rehabilitation Department, City Hall, Columbia, S. C. TO STOP USING HIS OFFICE for the apparent confiscation of all petitioner's remaining properties accomplished thus far by publicizing falsely that the owner "absconded" the state (App. at 298) to escape creditors (after 40 years spent in paying creditors she had only 2 on record with whom she had excellent standing, couldn't be found anywhere by anybody (App. at 406),altho he and many others were in constant communication with her and knew she was at death's door from anemia due to lack of the necessities of

of life probably caused by the taking of her rich income property by the respondents in the instant case and refused repeatedly to repair her buildings while at the same time she was and still is being officially denied a permit to repair her buildings and has been persecuted beyond belief (Pet for Re at p.8,9)suffering the theft of building contents worth over $300,000 and untold sabotage on the increase constantly by reason of denial to the owner of a building permit for repair work as damages occur (Pet. for Re at p. 13,14).

Mr. Winter's role in the destruction of petitioner's properties was and is so closely intertwined with the illegal taking by the respondents in the instant action as to be one and the same. Prior to the taking of the Laurel Street Complex by respondents, the city and the Tricentennial agreed on the side to take petitioner's property by its power of eminent domain and hand it over to the Tricentennial Commission. Failing in that collusive

agreement, the city is now persecuting this owner to take her remaining properties (Pet for Re p.15).

The unreasonable and inhuman demands of the respondents in the instant case as to removal of enough valuables to fill a city block and the subsequent necessity for the owner to fill her remaining properties with the 40 trailer vanloads of goods (whatever was left) furnished a great opportunity for Mr. Winter, after the Commission's take over during the owner's absence for a few days, to get a winning start in the confiscation of the owner's remaining properties. With her buildings filled with the Laurel Street goods ordered out by the respondents Mr. Winter then condemned all the buildings (App. herein at 296) not for need of repair but because they were filled with emergency storage. Destruction and theft took control with the help of false publicity, fires raged, thieves using

cars, trucks, etc. removed over $300,000 worth of goods,and the owner finds herself in the awful condition necessitating the filing of a petition for help (Pet. for Re at 46

Such scheming has gone a long way when it leads to the arrest of an old lady on a made-up criminal charge. Upon her return to Columbia after several years of near-death illness and before the doctor released her for travel, Mr. Winter swore out 6 criminal warrants (App. at 300) against the petitioner and had her arrested in the courtroom with threats of handcuffs and being dragged from the courtroom if she objected (App. at 301). About 1½ hours after the jury began deliberating on the verdict in the case of the false claimant McGrath against the petitioner for which case she had returned to Columbia, she was marched across the courtyard where the jury could have seen her (App. at 302).

Two aims were accomplished: her condition was worsened on the way to jail

and the jury could not afford to decide wholly in her favor, as seemed probable before that happened, because she must be a criminal to be arrested under such conditions.

There had been no crime committed, no misdemeanor, no nothing. It seems she had failed to repair 6 buildings with 72 living units during the few hours she had been in Columbia when such a job could easily require from 1 to 2 years time. The petitioner knows of one such unit damaged by fire that took a contractor 3 months to repair. Mr. Winter seems determined to demolish the buildings (App. at 306), to charge a price for so doing, which price she is precluded from having because of the condemnation of her buildings, to seize the property as payment for demolition,and, according to gossip, to place the property within reach of some moneyed individual.

That is not hard to believe when one

remembers the attempted collusion of the City with the Tricentennial Commission to take the petitioner's Laurel Street property by eminent domain and turn it over to the Commission to be used in some other capacity than to carry out the function of the City

The petitioner needs and wants the cooperation of Mr. Winter but cannot endure such rank injustice and disregard for constitutional rights. Unfair official discrimination against a property owner is murder. This owner is in dire need of help that comes only by proper recourse in court for the recovery and protection of her rights and properties.

In the face of Mr. Winter's plans, the damages to her properties, and the destruction of some by fires, etc. how could this owner have any security in "persons, houses, papers, and effects," or how could she escape deprivation of "property without due process of law" and

"equal protection of the laws"?

Tricentennial Publicty Results in Foreclosure

10. A special writ should be granted against Mr. Billy L. Williams, president of the First Federal Savings and Loan Association of Cayce, S. C. to restore the mortgage held on petitioner's property at 3104 Monroe Street, serving as the only roof over petitioner's head at this time to its original status, requiring principal and interest payments to begin Aug. 1, 1977 where they were left off in December, 1974, and omitting intervening interest payments due to the extreme hardship with ensuing disadvantages and embarrassment caused by First Federal's unjustifiable foreclosure brought against her as the direct result of publicity concerning the City's intention to demolish her buildings because the taking of property by a Federal Institution on the grounds of false propaganda in lieu of failure to make mortgage payments presents a Federal question that

only this Court can decide and departs so far from the usual and accepted course of judicial proceedings as to call for this Court's power of supervision.

The Master in Equity, The Honorable Jasper M. Cureton, ruled out foreclosure because all payments had been made on the said mortgage since its inception according to the pattern set even at the very time the foreclosure was begun (App. at 266). Petitioner presented proof of payment by her own sworn statement and checks (App. at 269). The First Federal, noting the derogatory publicity concerning the petitioner together with the City's intention to demolish, suddenly refused to accept her payments and capriciously instigated foreclosure proceedings (App. at 272) after repeated attempts of petitioner to make payments.

On several occasions the First Federal itself delayed payments by following the petitioner's suggestion (and with her signed consent) to collect the

remainder of the principal, not due but desired to be paid by the owner, from funds allegedly held for petitioner's property taken by the respondents in the instant case (App. at 407). Foreclosure is both unjust and illegal.

Judge of Tricentennial Case Orders Foreclosure

11. A writ should be granted against The Honorable George Bell Timmerman to vacate his order of March 25, 1977 reversing the master's ruling and ordering foreclosure (App. at 259), the usual working of which, in the face of the unusual circumstances surrounding this action resulting from the taking of the petitioner's Laurel Street property and her constitutional rights by the respondents in the instant case, would unjustifiably burden this petitioner and render her helpless to fight for her life and rights without any roof over her head, because such reversal under the specific circumstances constitutes such departure from the usual and accepted

course of judicial proceedings as to call for this Court's supervision.

False Claimant McGrath In Position To Destroy Petitioner

12. A writ should be issued to the aforenamed Justices of the Supreme Court of South Carolina to stay the enforcement of the judgment of the false claimant John McGrath in the amount of $38,416 (John McGrath was employed by petitioner to bring a damage suit against the state for the illegal and fraudulent taking of her property seized by the respondents in the instant case without compensation but who, upon seeing her remaining properties, placed a lien over all of them in an effort to steal them for himself (App. at 298) because the verdict was the direct result of a case based entirely on absolute lies, treachery, Court errors, and trickery such as a false arrest of the petitioner to prejudice the jury and an attorney not allowed one minute to review the case, etc. all of which departed so

far from the usual and accepted course of judicial proceedings as to call for this Court's supervision. See petitioner's application for stay to the Supreme Court of the United States (App. at p.). She now repeats her prayer to this Court that STAY BE GRANTED until further judicial consideration. An appeal would come too late to save all her remaining properties from being confiscated under guise of a $35,000 recorded lien regardless of the combined worth of her holdings.

Attorney General Should Give Aid

13. A special writ should be issued against The Honorable Daniel R. McLeod, the Attorney General for the State of South Carolina and the Attorney of Record for the Respondents Thomas O. Lawton, Jr., et al to take steps for his clients and/or in connection with his function as Attorney General TO RENDER EMERGENCY FINANCIAL AID FOR TEMPORARY SUBSISTENCE AND PROTECTION OF LIFE AND PROPERTY on behalf

of the petitioner until hearing can be had in the instant case because all of the crimes committed against this petitioner by reason of illegal state taking without compensation and further criminal acts against her by other respondents in connection with or because of the condemnation case have been committed as a result of Federal funds contracted to pay for this petitioner's property and raises a Federal question which only this Court can decide, and also because these acts departed so far from the usual and accepted course of judicial proceedings as to call for this Court's jurisdiction.

"Special" Legislation Results in Snowballing of Crimes

14. A "special" writ should be issued the South Carolina State Legislature through The Honorable Brantley Harvey, Jr., President of the Senate, and The Honorable Rex Carter, Speaker of the South Carolina House of Representatives, Columbia, S. C. TO APPROPRIATE A REASONABLE SUM FOR THE

BENEFIT OF PETITIONER specifically and only until hearing of the case of Thomas O. Lawton, Jr. et al in court "on the merits" shall have been accomplished unless the respondents do not desire a hearing in which case to order a definite appropriation for petitioner as payment in full in a lump sum for her property taken illegally and fraudulently or to order by arrangement payments of $350,000 per year for 20 years, which amount would represent less than one-half of the damages originally computed as lifetime returns on the property taken (Pet for Re S. Ct. at p. 12).

The Commissioner of Internal Revenue of the United States TO REFUND THE $75,695.73 wrongfully collected by him (App. at pages ; Pet. for Re. S. Ct. at p.10) from the fund allegedly set aside by the respondents as payment for petitioner's property (Petition for Cert. S. Ct. at p. 6) because it was the illegal SPECIAL LEGISLATION AGAINST THIS PETITIONER which in

operation and effect, the true testing of the right to live of any law, BROUGHT ABOUT THE MANY ILLEGALITIES AND CRIMES COMMITTED against this petitioner in connection with the taking of her main property and the attempted taking of the remaining ones THAT CAUSED HER EMERGENCY CONDITION BEING APPEALED ABOUT, all of which acts were brought about through Federal funds and departed so far from the usual and accepted course of judicial proceedings as to call for this Court's supervision.

Everything that took place after the "special legislation" against the petitioner based on false information given the law-making Body was based on a false foundation. Since that Act was passed, all things connected therewith in relation to the petitioner have also been illegal, fraudulent and destructive as proved by the issues embraced in this petition and her condition of emergency. THE OPERATION OF THE LAW HAS MEANT ONLY GRIEF

AND INJUSTICE. THE EFFECT OF THE LAW HAS BEEN DEGRADATION AND DESTRUCTION.

The action caused her to become a pauper and a semi-invalid kept alive by a dear relative who is now dangerously ill with a condition greatly worsened by the shock of petitioner's hopeless status of denied legal recourse and redress to pay any more in suffering and money for her continued existence (Pet. for Re at p. 13; App. herein at p.).

It was easily recognizable at the time of condemnation that the property could not be used any time during 1970 as a parking lot for which it was claimed to be condemned. It is easily recognizable to all now that the property has not ever been used for any purpose since the taking, and neither has this peitioner been paid for her property.

The legislative bestowal of eminent domain power for the purpose of seizing property in accordance with a contract

for Federal money to pay for same is a Federal question of substance not theretofore decided by this Court (App. at p.).

Meanwhile, it is only fitting that the Legislature assist this victim of wrongful condemnation forced to lose her wealth, livelihood, and all else.

City Should Defend Constitutional Rights

15. A "special" writ should be issued against the City of Columbia through the mayor of the city, The Honorable John T. Campbell, to pay the petitioner $950,000 for the damages done to her 6 properties with 72 living units by fires and other sabotage, all of which damages resulted directly from the misuse of official power and privileges on the part of a city official and from the continual refusal of the city to issue building permits for the repair of her properties, which refusal together with the city's false publicity in connection therewith caused the theft of about $400,000 worth of commercial contents and special storage and damages

to her buildings proper in the approximate amount of $550,000 BECAUSE NO PUBLIC OFFICIAL HAS THE AUTHORIZATION TO CRUSH THE CONSTITUTIONAL RIGHTS OF ANY CITIZEN by malfeasance or in any manner and such actions call for the supervision of this, the only Supreme Court.

Fourteen fires have taken place since last September, 1976, and others before September. The owner lives in mortal fear of damages and death. The procedure appears to follow this positive-action plan: damage, condemn, refuse building permits, destroy, remove, and take the very valuable lots as payment for demolition and removal for Mr. Somebody who has or controls much wealth.

Highway Department Crushes Constitutional Rights By Taking Without Compensation

16. A "special" writ should be issued to Mr. Paul W. Cobb, Chief Highway Commissioner, to PAY DAMAGES, OVER AND ABOVE the $6,845.00 already paid, in accordance with a decision to be made by this Court or any Court, Justice, Body, or Expert

Appraiser ordered by this Court to hold a "special" hearing for the consideration of real damages caused to property owned by this petitioner on U.S. 1 South, Columbia, S. C. in the eminent domain taking of a part of it (App. at 433) because the taking of private property for public use WITHOUT AFFORDING THE OWNER DUE PROCESS AND JUST COMPENSATION constitutes serious violations of Amendments V and XIV that call for this Court's supervision.

The petitioner, very ill in Florida (336-338) and suffering from the lack of the necessities of life because of the Tricentennial Commission taking of her main income property by a sort of sham eminent domain a few months prior, high-pressured into selling by Attorney Pickers Rish who wanted the only sure money in sight as his fee to take the case from another attorney against John McGrath who was trying to take fraudulently the ill petitioner's

remaining properties under guise of bringing suit against the Tricentennial Commission for taking illegally her apartment complex, and without a chance to go to Columbia to see and negotiate, did sign the highway release in the amount of $6,845.00 (App.herein at 341).

When she returned to Columbia she discovered that the damages were so much in excess of the amount paid as to create a situation of GREAT INJUSTICE AND INEQUITY calling for the supervision of this Court, the only Court possible by virtue of this very petition of great emergency.

The main building was completely ruined by the highway's cutting off of a part of it, the club house on the pond was burned down in some manner, a trailer court just prepared for the use of 48 trailers with underground lines completed and ready for use was of no value after the highway taking. The whole 10-acre property with at least a million dollar potential value

was rendered useless for the purposes planned and being developed. A conservative estimate of the damages without regard for potential would be $128,000 in lieu of the $6,845.00 paid. See 341.

Petitioner Denied Due Process In Highway Taking

17. A "special" writ should be issued to Mr. Paul W. Cobb, Chief Highway Commissioner, TO PAY DAMAGES, OVER AND ABOVE THE $16,000 ALREADY PAID, IN accordance with the decision of this Court or any Court, Justice, Body, or Expert Appraiser ordered by this Court to hold a "special" hearing for the consideration of real damages to this petitioner's property on U.S. 1 North at Rabon Rd. caused by the highway's taking of a part of it by eminent domain because she was denied due process completely in connection with the case, and such crushing of constitutional rights calls for this Court's supervision.

This case was pushed to trial over the urgent request for postponement together

with doctor's certificates mailed by petitioner who was ill in Florida where she lives (App. herein at 338 , and 336) the owner was awarded a nominal sum of $16,000 in lieu of more than $140,000 (Read 413) damages actually incurred because she could not be in Court to testify, her attorney put in a notice of appeal and then refused to complete it, and the Court's acceptance of the misleading statements in the attorneys motion for relief as counsel which statements she, being ill in Florida, had no opportunity to gainsay, influenced other attorneys to refuse the case until now, and this petition for writ is the one and only avenue for any appeal for justice anywhere under these conditions. See project F-035-2(54)

Refund of Property Taxes

18. A "special"writ should be issued to the South Carolina Tax Commission through its chairman, The Honorable Robert C. Wasson, Box 191, 1100 Senate Street, Columbia, S. C., 29292, for A REFUND OF ALL

PROPERTY TAXES PAID SINCE 1970 ON BUILDINGS purchased, built, and operated for rental purposes but rendered officially non-productive since 1970 with the Tricentennial Commission taking of her Laurel Street Apartment Complex by means of illegal condemnations and refusals to issue permits for repairs to damages apparently purposely brought about; for a refund of taxes paid on U S 1 N property since condemnation damages by change of grade and narrowing greatly reduced the value while taxes increased 6-fold; and for taxes paid on a building since it burned in 1968; or in the alternative TO FURNISH HELP TO PREPARE FOR A HEARING. Read 409, 410.

The petitioner's application to the Tax Commission of September 27, 1976 explains the purpose of this writ called for (App. herein at 409). Chairman Wasson's considerate scheduling of a hearing was later changed by telephone to a date to be set by petitioner (App. at 410) whose health and eyes have not held up for this and so many cases involving intricate detailed work and eye strain.

Bank Responsible For Insurance Payment

19. A writ should be granted against the Citizens and Southern Bank, through its president, Mr. Robert V. Royall, Jr., Jefferson Square, Columbia, S. C. to pay the petitioner $4500 insurance for a burned building over which the bank had a first mortgage because this Court must settle the question as to whether the bank backed up by the Federal government should be allowed to fail its customers who are its customers because of Federal backing or should be forced to carry out its own function property for the preservation of the confidence of the people on which finally rests the stabilization of Banking and Currency as well as Insurance and the effect of each upon the other in the light of the settlement of the question involved here. Read 398.

The facts are these: the money is due the mortgagor who paid the insurance, the bank by its own choice put itself in

position to be the only one who could collect it whether or not it did so, the bank has not paid the insurance to its client, the petitioner has learned that the bank did not subtract the $4500 upon transfer of the mortgage July 20, 1972 to Mrs. Plumer who felt constrained to use her money much needed for her own condition of old age and extreme illness to pay this mortgage when the Judge refused to pay it repeatedly from the money in his keeping alleged to be the petitioner's compensation for her property illegally taken. The petitioner needs her insurance money (app. at 398).

Petitioner Needs Temporary Help From Social Security

20. A special writ should be issued to The Honorable Sol Blatt, Jr., Judge of the U. S. District Court, Columbia, S. C. (An order dated June 15, 1977 and signed by The Honorable Robert F. Chapman relieving petitioner's attorney J. Wesley Drawdy as counsel has just been

received, but Judge Blatt had already postponed the hearing) to order Social Security payment to the 74-year old petitioner because continued denial of aid to this Senior Citizen would constitute violation of Amendment XIV and 42 U.S.C. 1983 and would be out of step with the usual policy of the government to give help to the aged. Read 336-339.

Petitioner does not know when a hearing will be held or whether she can get an attorney to represent her. Should this Court grant the petition herein, social security would probably not be necessary, but this petitioner needs help now and in addition to needing it she would really enjoy the feeling of fellowship that comes with receipt of blessings that all others get without any seeming difficulty. There are perhaps some justifiable reasons that have prevented her receiving any aid but petitioner feels in view of the emergency situation that

help could and should be forthcoming at least for a temporary period. See page 340.

A number of people who receive monthly checks of about 200 to 300 dollars have repeatedly begged at petitioner's door for handouts after she was robbed of property and income and while she was being denied any help at all through social security or anywhere. Since the successful fraudulent taking of a 3 million dollar piece of property in 1970 by crushing, inhuman methods and without compensation, all doors to possible help have been closed to her and kept closed because of her constant failure to achieve due process which she feels has been accomplished by serious misrepresentation and to attain recourse in the courts, the staying power of the nation. "Special" legislation destroyed her. See 401.

Affirmation of a Mirage

21. A special writ should be issued to the Appellate Court to vacate its affirmance of the District Court Opinion in the case of Thomas O. Lawton, Jr. et al

which is based directly on the State Court opinion and to arrange recourse in Court for petitioner because that State Court opinion #19074 proves conclusively the complete denial of due process to such an extent as to call for this Court's supervision and because the State Court opinion is a mirage of deception which cannot be accepted by the District Court as the basis for an opinion unworthy of the Appellate Cour 's affirmance. This situation upsets the opinion of the District Court based thereon as well as the affirmance of same. What does the opinion say?

The Judge writes 26 pages about an injunction case (Pet. for Cert. S.Ct. pages 36-62) as if there really were one and then proves the non-existence of such a case in about 5 lines and the plan to make it look alive: "This Court modified that temporary injunction TO ALLOW THE COMMISSION TO FILE CERTAIN MOTIONS OF A

PRE-TRIAL NATURE in the condemnation action (Pet. for Cert. at p. 39).

Then he adds "those matters are not for consideration at this time," and after that , "the Court will, however, comment hereinafter on the Commission's motion for CONSOLIDATION OF THE 2 PROCEEDINGS WITHOUT making a final ruling on that motion...."

The petitioner can't find where the Court commented hereinafter as promised, but the 2 actions were consolidated, which made it appear that the injunction hearing had meaning and that the adjudication was of a real litigation. It was not so.

During the August 19, 1969 hearing supposedly on petitioner's injunction, the Judge nicely folded up the injunction matter which would have stopped the condemnation if given a proper hearing and put it on the shelf to make it powerless so that the condemnation could proceed unimpeded. There could be no proper

adjudication without real and uninterrupted litigation. Only completed litigation can be properly adjudicated. If the winner drugs his opponent in order to win, his winning is invalid and must be undone. Litigation is impossible where one side has been illegally drugged. Any adjudication of such litigation would be meaningless and would necessitate reversal of the clever consolidation of injunction and condemnation cases.The District Court Opinion states: "the South Carolina Supreme Court heard these cases together...and ruled against Annie Mary Timmons on both appeals (Pet. for Cert. at p. 28).

Since the District Court based its opinion upon the State Court's improper adjudication of the arbitrary removal of one side from the arena without litigation, there is absolutely nothing on which the Appellate Court could base its affirmatio.

The Judge who wrote this decision and

tried the injunction matter discusses in 22 pages 6 points that he introduces in this manner: "The Commission's counsel has stated the points raised by the landowner as follows: ...." Regardless of why he got the 6 points from "Commission's counsel," they too are meaningless because the injunction matter had already been set aside for consideration at a later secret closed-door hearing. For an injunction, a setting aside for any reason means the bitter end of it and all hope for the owner to experience due process.

The Judge spends 26 pages glorifying the dead injunction that sealed the tragic fate of the petitioner and then discussed in 4 pages only the condemnation cases that destroyed her,characterized mainly by omissions of the necessary elements of a trial such as evidence and testimony (Pet. for Cert. at p. 64, 65) etc. and completely misleading statements.

Court opinion #19074 proves that

petitioner was never heard at all in a trial court and that affirmance based on this opinion must be vacated.

Recourse Mandatory To Establish Right Precendents

22. Recourse in Court is mandatory in the case of Thomas O. Lawton, Jr. et al which embraces the actions of all the respondents herein where without it the following adverse and dangerous factors would become precedents in matters of this nature and would distort Federal standards of justice and rights by putting judicial approval upon crushed rights, lawlessness, and crime:

(1) "Special" legislation arranged prior to enactment by State-Federal contract (App. at 355) with conflicting aims instead of one purpose (App. at 411, 401).

(2) OFFER BASED ON COLLUSION OF APPRAISERS AND GOSSIP concerning an auction or any other dreamed-up event that never occurred.

(3) The life-time work of many people

destroyed by greed ON THE EVE OF FULL PRODUCTION AND COMPENSATION.

(4) Loss of handsome potential gross income worked toward for many years ($250,000 per year in this case planned for years to begin about 1970 and continue thereafter).

(5) Greed responsible for stealing of HOMES, FOOD, AND JOBS from thousands of people.

(6) The taking of such a nature as TO RESULT IN DEATH in some instances (App. at 380).

(7) Buildings of rare beauty with 200 or more years of life ahead DESTROYED WITHOUT PURPOSE (App. 363-368).

(8) NO COMPENSATION TO OWNER FOR HER PROPERTY nor any income at all in lieu of the $250,000 potential income taken away.

(9) OWNER REDUCED TO ABSOLUTE POVERTY AND INEXPRESSIBLE MISERY BY THE TAKING WITH EVEN HER LIFE IN DANGER AND HER REMAINING PROPERTIES TARGETS FOR BURNING, THEFT, AND CONFISCATION (App. at 296,274).

(10) A COMPLETE LOSS OF CONSTITUTIONAL AND CIVIL RIGHTS accompanied by an AVALANCHE OF CRIME besides the stealing of a 3 million dollar property (App. at 3-3-3).

(11) The owner left totally WITHOUT INCOME OR MEANS OF LIVELIHOOD or any kind of aid after a lifetime of labor and investment (App. at 1-234).

(12) Owner precluded after the condemnation from receiving all returns in connection with other properties or matters.

(14) SECRET CLOSED-DOOR HEARING THE CHIEF MEANS OF EXECUTING ILLEGAL AND FRAUDULENT CONDEMNATION.

(15) NO SERVICE OF CONDEMNATION as required by Federal and State laws.

(16) Meticulous creaton of FALSE PREMISES on which to hang a hearing.

(17) Constitutional Amendments and State 42 U.S.C. 1983, the breath of the country, choked by illegality and fraud. Read 405.

(18) Owner affected by "special" legislation as if it were A BILL OF ATTAINDER in its effect upon the owner.

(19) Destruction in all things snowballing downward after such condemnation with false foundation.

(20) The placement of property in question in the wrong city according to Appellate decision.

(21) WITHOUT RECOURSE granted this Honorable Court deals a death blow to Article III Section 2 as well as Amendments IV, V, and XIV, and 42 U.S.C. 1983 openly violated.

Recourse in court is necessary to PREVENT JUDICIAL PRECEDENCE being given to a condemnation, resulting from federal money paid the state by contract for the purchase of property and triggered by "special" legislation in accordance with the contract, followed by trickery, fraud, and illegality in the taking without service of papers or without the owner's being heard at any time. Said property serving thousands of people with homes, food, and jobs was condemned for an unknown purpose without the slightest necessity

for the public and was concluded without any compensation to the owner reduced to suffering and want and no income in lieu of her potential $250,000 per year gross income taken from her. If recourse has ever been in order, it is justifiable in the instant action now.

Privity With a Dead Body Impossible

23. All the writs petitioned for in all these matters so entertwined as to be one should be issued and recourse in Court allowed because the affirmation of the Court of Appeals closing the door to recourse in the case of Thomas O. Lawton, Jr. et al was based largely on the doctrine of res judicata, a doctrine which could not possibly uphold the decision by reason of being NON-EXISTENT AFTER THE DEATH OF ONE OF THE PARTIES in the first case and so far sanctioned departure by a lower Court from the usual and accepted course of judicial standards as to call for an exercise of this Court's power of super-vision.

The interpretation of res judicata is well summed up in the words of Chief Justice Warren: "A judgment 'on the merits' in a prior suit involving the SAME PARTIES OR THEIR PRIVIES bars a second suit based on the SAME CAUSE OF ACTION" (caps added. Lawlor vs. National Screen Corp., 349 US 322 at 326, 99 L ed 1122, 75 S. Ct. 865-1955).

Chief Justice Warren's interpretation gives 3 standards by which to gauge the allowance or the barring of the 2nd suit.

(1) The prior suit must be "on the merits." That 1st point reveals the whole problem of the injustices suffered by the petitioner. There was never a hearing "on the merits" at any time (Pet. for Re at p. 16-25).

Her evidence on key subjects was excluded from the record - - like on HUD and her injunction against the city (Pet. for Re at35,44). Her 25,000 documents were rendered ineffective by meddling,

changing, stealing, etc. Her valuable summaries proving her case never reached the jury.

The court was rife with collusions such as the Tricentennial with attorneys, appraisers, Home-Federal representatives, city employees, and others. Petitioner was cruelly persecuted. The Tricentennial attorney used tricks and untruth to prevent her being heard (Pet. for Re at p.31, 40).

Plans had been made at a secret, closed-door hearing when the petitioner was denied legal representation and robbed of all of her constitutional rights (Pet. for Re at p.14). There was no trial "on the merits." The petitioner was never allowed to be heard. The testimony was made to disappear, so there's nothing on the owner's side in the case to use as a basis for appeal purposes.

(2) "The same parties or their privies" in both cases is the next requirement to bar the 2nd action.

The "same parties" in the first suit

could not possibly be the same as in the second suit. The party in the injunction matter in the first suit was dead for about 5 years before the second suit (App. C.A. 3) was attempted. The injunction suit brought by petitioner was dead before the glossed-over opinion of the court was written. The judge stalemated it by allowing it to be "modified" in order that the condemnation case go ahead of it (Pet. for Cert. at p.39).

There could not be any privity between the individual respondents and a Dead Body (Appellees brief at p. 9) and there could not possibly be any privity between those respondents and the murdered Dead Body (575 Stat 1130-1971). Appellees state: "On July 1, 1971, the Commission was statutorily abolished." (Appellees brief on Appeal at p.).

The answer of Thomas O. Lawton, et al establishes the Tricentennial as the "Alter Ego" of the state (App.Appeal CA at p. 6).Then as a Fourth Defense he shakes off the

whole complaint and responsibility by proving that the Tricentennial is a DEAD ALTER EGO. He says: "the real party in interest...has been abolished" (App.Appeal CA at p. 7; Act. No. 610 of the 1971 Act and Joint Resolutions of S. C.).

While the Body was alive, the bond between the respondents and the Body had to be a common purpose to use the Timmons property as a handful of parking places for a little while during a celebration in 1970 for which it was publicized and condemned (App. at 412). Therefore when the year 1970 passed, the bond was quite dead.

The 200' lot was covered with beautiful buildings throughout 1970, and could not be used for parking, for which it was never needed, wanted, or even intended. It appeared that the Tricentennial affair in 1970 simply furnished the excuse for the condemnation of very valuable property. In fact it has never been used at all for

any purpose. When the property was not used in line with the bond between the Body and the respondents, that bond was twice dead. The the Body itself dies and the bond between them was thrice dead, by time and usage running out and by official death sentence to the Body.

Even had the Body lived, the respondents were personally responsible for their individual actions and for every one of their yeas and nays and with the Body dead and the bond thrice dead, how could there be any possibility for privity? That leaves each individual completely responsible for his or her acts and decisions (Pet for Cert. 13; Pet. for Cert. at 11 and 12).

In the present case Appellant is suing defendants in their private, individual, personal capacities and does not seek to recover against the state. An individual in his own representative capacity is regarded as a different person from an individual in his own personal capacity and the 2 are not regarded as being

in privity (Deaton v Gay Trucking Co. 275f Supp. 750 USCS 1967). The relationship of the state and one claiming to act as a state officer does not constitute privity between them (Tindal v Wesley, 167U.S.204, 17 S. Ct 770, 1897).

No matter what the relationship of the Defendants was to each other at the time of the issue each one was and is a SEPARATE ENTITY acting upon his own volition and RESPONSIBLE FOR HIS OWN ACTIONS. The first suit was against the Tricentennial as a whole.

This suit is for the taking of property and for the violation of constitutional rights resulting in severe damages to this day and for life unless corrected by each one of the Defendants privately, individually and personally. The mercy killing of the Tricentennial Commission would not to any extent alter individual responsibility for the actions against this claimant.

Every one of them is responsible

somewhat in the same manner as every one of those lawyers and officials involved in the Watergate affair. It did not alter his guilt that each was a part of a group employed to bring about certain results. His affiliation with the group did not in any manner relieve each one personally from paying the price for whatever wrongdoing he participated in as a part of the group.

It could be said of every man participating in any group effort bent on wrongdoing that he himself is individually responsible for his aid or assent in the accomplishment of same and must personally pay the price.

The analogy could go even further to include every citizen in the United States belonging to any Party, City, County, and State who is personally responsible for the way he casts his vote.

(3) The third point to be considered is the CAUSE OF ACTION. The desired usage of the property for parking in 1970 was the first cause of action constituting

the bond. The cause is long gone, and the mutual relationship for carrying out the purpose called the bond or privity is simply not there, and the individuals whose acts have caused the tragic want and suffering of this petitioner are totally responsible and should make amends insofar as is possible.

Unless perchance there were some way to bring back the Dead Body and all the beauty and wealth of buildings and things and the people as they were before the savage onslaught of destruction with cruel violations of legal and human rights, the respondents must abandon res judicata with privity of parties and causes as their bulwark of protection against their own responsibility for the creation of the tragic condition of this citizen and property owner unjustifiably and illegally robbed of long-worked-for rich income property, her business, rights, home, happiness, livelihood and safety.

CONCLUSION

For the foregoing reasons your petitioner prays for the granting of the extraordinary writs called for and for AN IMMEDIATE STAY OF ALL PROCEEDINGS AGAINST HER while due consideration is being given the matters herein.

The most urgent one of the writs petitioned for is the stay of the Sheriff's Sale July 5 at 11:30 A.M. at the Richland County Courthouse door to satisfy the judgment of the false claimant McGrath. The First Federal with Judge Timmerman's reversal of the Master in Equity is also on the verge of holding a sheriff's sale on 3104 Monroe Street. A city official is ready to pounce on all the properties reportedly to take them for condemnation and demolition for some party.

See page 408. That protection is about over.

Petitioner has found it just about impossible to present her situation of emergency and injustice to this Court. Even now she may not be able to present it adequately because with every attempt to finish it her

selected documents of proof are disappearing. She has absolutely no security against the crimes being committed to prevent her from making the appeal and getting it in the mail.

Since these interferences with her contacting the Court have made her petition too late to relay messages by mail, this petitioner pleads that the Court use a quicker method to bring about stays in all proceedings against her in time to prevent the July 5 sheriff's sale, the first one scheduled, from taking place.

The petitioner further prays that this Honorable Court grant writs not only for the alleviation of her emergency condition but also for her general exercise of useful service, happy living, restoration of her constitutional rights with full recourse in Court, and for the opportunity that should be hers to seek redress.

Respectfully submitted,

Please stop sheriff's sale today. It is scheduled for 11:30 A.M. July 5, 1977.

Annie Mary Timmons
Pro Se
3104 Monroe Street
Columbia, S. C. 29205
(803) 256-1417

Appendix numbered at bottom of pages.

APPENDIX I

Supreme Court of the United States
Office of the Clerk
Washington, D. C. 20543

December 6, 1976

J. Wesley Drawdy, Esq.
2014 Sumter Street
P. O. Box 11567
Columbia, S. C. 29211

RE: Annie Mary Timmons v.
Thomas O. Lawton, Jr., et al
No. 76-394

Dear Sir:

The Court today denied the petition for a writ of certiorari in the above-entitled case.

Very truly yours,

MICHAEL RODAK, JR., Clerk
by

s/ Helen Taylor
Assistant Clerk

APPENDIX A

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 75-2209

Annie Mary Timmons,

Appellant,

v.

Thomas O. Lawton, Jr., et al,

Appellees.

Appeal from the United States District Court for the District of South Carolina, at Columbia. Robert F. Chapman, District Judge.

ORDER DENYING MOTION FOR REHEARING

Upon consideration of the motion for rehearing of the Appellant, now with the concurrance and approval of Judges Craven and Field, the other members of the hearing panel, and in the absence of a request for a poll of the entire court, as provided by Appellate Rule 35(b), it is

ADJUDGED and ORDERED that the said Motion for rehearing be, and it is hereby, denied.

For the Court:
Albert V. Bryan
Senior United States Circuit Judge

APPENDIX B

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

No. 75-2209

Annie Mary Timmons,

Appellant,

v.

Thomas O. Lawton, Jr., Mrs. O. T. Smith, Alderman Duncan, Wayne W. Freeman, Mrs. William Close, W. Wright Bryan, Mrs. Laura J. Quattlebaum, Rufus W. Cosnell, George C. Rogers, Jr., Joseph B. McGee, Jr., Dr. Joe M. Lesesne, Thomas E. Thornhill, Dr. Maceo Nance and James M. Barnett,

Appellees.

Appeal from the United States District Court for the District of South Carolina, at Columbia. Robert F. Chapman, District Judge.

(Submitted May 3, 1976

Decided May 26, 1976)

Before Bryan, Senior Circuit Judge, and Craven and Field, Circuit Judges.

(J. Wesley Drawdy, William J. Nicholson on brief) for appellant; Daniel R. McLeod, Attorney General. C. Tolbert Goolsby, Jr., Deputy Attorney General; Karen LeCraft Henderson, Assistant Attorney General on brief) for Appellees.

PER CURIAM:

Appellant Annie Mary Timmons instituted this suit under 42 USCA 1983 (Civil Rights Act) in the District Court against the members of the South Carolina Tricentennial Commission in their individual capacities, alleging with respect to the condemnation of her real property in Charleston, South Carolina, that these members took her property unconsitutionally and deprived her of rights secured by law.

Prior to the present suit, Timmons had sued the South Carolina Tricentennial Commission in the South Carolina State courts with respect to the same condemnation, averring among other things the unconstitutionality of the South Carolina condemnation statutes, procedures and the application of the statutes and procedures to her. The South Carolina Supreme Court affirmed a lower State court in a judgment against Timmons on these accusations. Timmons v. South Carolina Tricentennial Commission, et al. and South Carolina Tricentennial Commission, et al. vs. Timmons, et al., 254 SC 378, 175 SE2d 855 (1970). Review by certiorari of her suit by the United States Supreme Court also was denied, 400 US 986 (1971).

In granting the Appellee's motion for summary judgment, the District Court determined that the instant suit was barred by the doctrine of res judicata, in that Timmons had litigated completely, resulting in an unfavorable decision on substantially the same issues and involving the same parties or their privies as were present in the State court case.

We have reviewed the record before the District Court and find that it properly applied the doctrine of res judicata to the facts before it in dismissing the present suit. Accordingly, the decision of the District Court is affirmed.

AFFIRMED.

APPENDIX C

ORDER

This matter is before the Court upon motion of the defendants for summary judgment and also upon application of the plaintiff to convene a three-judge district court under 28 U.S.C. § 2281 et seq.

This action was commenced by Plaintiff, a citizen of the State of Florida, against the fourteen individual defendants, who were former members of the South Carolina Tri-Centennial Commission (hereinafter referred to as "Commission"). The complaint sets forth two causes of action, but a close examination of the allegations indicate that the causes of action are basically the same. Plaintiff alleges that in 1969 the defendants acting under Joint Resolution R 293, Acts of the General Assembly of 1969, brought an action for condemnation of real property belonging to plaintiff and over the objections of the plaintiff proceeded to acquire the property for use in the celebration of the 300th anniversary of the state of South Carolina, "Which celebration was to be conducted by the above named individuals acting as members of the South Carolina Tri-Centennial Commission or employees thereof." She further alleges that the Act was repugnant to both the Constitution of the State of South Carolina and the Constitution of the United States, and "the condemnation was not for a legitimate purpose, and there was no necessity for such taking which deprived the Plaintiff of her property and livelihood

without due process of law. The taking by means of condemnation involved special legislation aimed solely, directly and exclusively at this plaintiff, and as a result of this condemnation of her properties denied her the rights, privileges and immunities of a Citizen of the United States." She goes on to allege that the defendants were acting "without lawful authority but under color of law" and as a result of these acts she claims Nine Million Dollars damages on the first cause of action. The same allegations appear in the second cause of action, but it also alleges:

> "The actions, activities and proceedings by the Defendants herein were made and done under color of State law and subjected the Plaintiff herein to deprivation of her rights, privileges, or immunities guaranteed to her by the Federal Consitution and the laws of the United States, particuarly 42 U.S.C. Section 1983."

She then demands Six Million Dollars damages as to the second cause of action.

The defendants' answer sets up nine defenses to the first cause of action and eleven defenses to the second cause of action. These defenses are: that the Tri-Centennial Commission is an alter ego of the State of South Carolina, the State and not the individuals are the real party in interest and may not be sued under the Eleventh Amendment to the United States Constitution in this court; that the State has not

consented to this action; that the Court lacks jurisdiction since the State is the real party in interest and there is no diversity of citizenship, since the State is not a citizen within the meaning of 28 U.S.C. § 1332; that the South Carolina Tri-Centennial Commission was abolished by Act No. 610 of the Acts and Joint Resolutions of the South Carolina General Assembly of 1971 and relief against it may not be granted; that the complaint fails to state a cause of action upon which relief may be granted; that the action is barred by res judicata, since the same issues were litigated between the same parties in two actions in the state courts, with a final opinion by the Supreme Court of South Carolina and certiorari denied by the United States Supreme Court; that the plaintiff is collaterally estopped from relitigating the same issues; that the acquisition of Plaintiff's property by the South Carolina Tri-Centennial Commission was performed by the defendants within the scope of their duties under the laws of the State of South Carolina, acting within the range of discretion permitted and in good faith.

The Commission was created by the General Assembly of South Carolina in 1956.[1] The 1956 Act was amended in 1966[2] and again in 1968[3]. The 1968 amendment conferred upon the Commission, not the individual members

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[1] South Carolina Acts & Joint Resolutions 1956, pg. 2194.
[2] South Carolina Acts & Joint Resolutions 1966, pg. 2817.
[3] South Carolina Acts & Joint Resolutions 1968, pg. 3193

thereof, the power of eminent domain, and in the spring of 1969 a suit was filed in the Court of Common Pleas for Richland County, South Carolina, entitled the South Carolina Tri-Centennial Commission and Daniel R. McLeod, as Attorney General for the State of South Carolina, plaintiffs v. Annie Mary Timmons and Home Federal Savings & Loan Association, Defendants. Four days thereafter, Annie Mary Timmons, as plaintiff, in an action against the South Carolina Tri-Centennial Commission and Daniel R. McLeod, as Attorney General for South Carolina, defendants, obtained a temporary injunction restraining the Commission from proceeding with its condemnation action.[1] The two State Court actions were combined on appeal taken by the plaintiff herein from the decision of the lower court in the injunction proceeding and also from a verdict of $325,000.00 obtained in the condemnation proceeding. The South Carolina Supreme Court heard these cases together and in 254 S.C. 378, 175 SE2d 805 (1970) and ruled against Annie Mary Timmons on both appeals. Thereafter, the plaintiff appealed the State Court decision to the United States Supreme Court and this appeal was dismissed for want of jurisdiction and also denied plaintiff review by certiorari. 400 U.S. 986 (1971). Thereafter the United States Supreme Court denied a petition for rehearing by plaintiff. 401 U.S. 949 (1971).

This action does not require the convening

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[1] The Attorney General for South Carolina was made a party to the State Court proceedings as required by the enabling amendment of 1968.

of a three-judge district court under 28 U.S.C. § 2281. It is elemetary that to convene a three-judge court the complaint must challenge a state statute or administrative order, a state officer must be a party defendant, injunctive relief must be sought, and it must be claimed that the statute or order is contrary to the Constitution of the United States. Three-Judge Court: See How They Run, 52 F. R. D. 293, 298.

Although there may be some question as to whether the complaint in this action challenges the constitutionality of a South Carolina statute, there is no question as to the failure of the plaintiff to seek injunctive relief or to name a state officer as a party defendant. Plaintiff insists in her brief that the action is against the named defendants as individuals and not as officers or representatives of the State. The present suit seeks only monetary damages against these former members of the Tri-Centennial Commission, which went out of existence long before the present action was commenced.

Plaintiff is not entitled to have a three-judge court hear this cause and her motion for the same is denied.

In the State Court proceedings Timmons raised the following points:

"1. There is no necessity for the condemnation;

2. The Condemnation does not result in a permanent taking of the property;

3. The taking does not involve a public use of the property as required in eminent domain proceedings;

4. The statutes are discriminatory and deny the landowner due process and equal protection of the laws;

5. The legislative enactments under which the Commission is proceeding are special legislation prohibited by Article 3, Section 34, Subsection 9 of the South Carolina Constitution;

6. The legislative enactments do not grant express authority for the condemnation and are defective."

The decision of the South Carolina Supreme Court answered each of these questions against Timmons. It is obvious that Plaintiff now wishes to relitigate the same questions in this Court, seeking to come under the broad umbrella of 42 U.S.C. § 1983. This cannot be permitted. In Bricker v. Crane, 468 F. 2d 1228 (1st Cir. 1972) the Plaintiff was a physician who was not reappointed to the medical staff of Sceva Speare Memorial Hospital. He brought an action in the State Superior Court for injunctive relief against the hospital seeking readmission to the staff. Bricker vs. Soeva Speare Memorial Hospital, N.H., 381 A.2d 589, Cert. den'd U.S. 995 (1971). After denial of his petition for writ of certiorari, Dr. Bricker commenced an action in the United States District Court naming as defendants members of the staff and executive committee of the hospital, several

insurance companies and attorneys alleging a conspiracy to deprive him of his constitutional rights. The District Court dismissed the action and this was affirmed by the First Circuit, which stated at page 1231:

> "In P.I. Enterprises, Inc. v. Cataldo, 457 F. 2d 1012 (1st Cir. 1972), this Court held that the effects of collateral estoppel cannot be avoided by recasting an adjudicated issue in the form of an action under the Civil RIghts Act. We noted in that decision the well settled principle that State Courts are fully empowered to decide federal claims and that '(A) State Court decision in constitutional issues is res judicata to the identical suit brought in Federal Court. Id at 1014. We reiterate that the Civil Rights Act is not a vehicle for collateral attack upon final State Court judgment, Coogan v. Cincinnati Bar Association, 431 F. 2d 1209 (6th Cir. 1970); Rhodes v. Meyer, 334 F. 2d 709, 716 (8th Cir.) cert. den'd 379 U. S. 915, 85 S. Ct. 263, 13 L. Ed. 2d 186 (1964), and that a writ of certiorari to the United States Supreme Court is the only method by which such a decision may be reviewed. See Rooker v. Fidelity Trust Co., 263 U.S. 413, 44 S.Ct. 149, 68 L.Ed. 362 (1923). In the present case, appellant unsuccessfully sought such review after voluntarily litigating his federal claims in the State Court. Understandably disappointed with the outcome of this earlier litigation, he now seeks a happier result in a Federal

forum. But he is not entitled to an 'encore'.[6] Angel v. Bullington, 330 U.S. 183, 191 67 S.Ct. 657, 91 L. Ed. 832 (1947)."

Footnote 6 to the Bricker opinion states:

"Appellant seeks to distinguish our decision in P. I. Enterprises by arguing that his constitutional claim was not, in fact, decided by the State Courts. He reaches this somewhat startling conclusion by characterizing the New Hampshire Courts' determination of the State action question as decisive only of a prelimary injunction issue. It is, of course, crystal clear that a due process violation can never exist in the absence of state action, and that appellant's contention is, therefore, frivolous."

The Bricker Court also refused to allow the Plaintiff to proceed under 42 U.S.C. § 1985 covering conspiracy since the complaint failed to meet the minimum requirements for stating such a cause of action, and no such cause of action is stated by Timmons in the present case.

In Coogan v. Cincinnati Bar Association, supra, the plaintiff was indefinitely suspended from the practice of law by the Supreme Court of the State of Ohio and brought an action under 42 U.S.C.§ 1983. In dismissing the action the Sixth Circuit stated:

" The Civil Rights Act was not designed to be used as a substitute for the right of appeal, or to collaterally attack a

Louisiana State Court. In reversing this decision the United States Supreme Court stated:

"There are fundamental objections to any conclusion that a litigant who has property invoked jurisdiction of a Federal District Court to consider federal constitutional claims can be compelled, without his consent and through no fault of his own, to accept instead a State Court's interpretations of those claims. Such a result would be at war with the unqualified terms in which Congress, pursuant to constitutional authorization, has conferred specific categories of jurisdiction upon Federal Courts, and with the principle that 'when a Federal Court is properly appealed to in a case over which it has by law jurisdiction, it is his duty to take such jurisdiction... The right of a party plaintiff to choose a Federal Court where there is a choice cannot be properly denied."

Obviously, England originally sought relief in the Federal Court and was sent to the State Court. In the present case Timmons originally sought relief in the State Court and thereafter appealed the State Court decision to the highest court in the land. Now she is only attempting to relitigate the matter or seeking an "encore".

IT IS, THEREFORE, ORDERED that Plaintiff's motion for convening a three-judge court be and the same hereby denied, and

final judgment of the highest court of the State and relegate the issues which it decided.

The final judgment of the Supreme Court is conclusive and Coogan is precluded by the doctrine of res judicata from relitigating not only the issues which were actually involved in the disbarment proceedings, but also the issues which he might have presented."

Under the doctrine of res judicata a judgment on the merits in a prior suit bars a second suit involving the same parties or their privies. Lawlor vs. Nat'l Screen Service Corp. 349 U.S. 322 (1955). It is obvious that there is privity between the Commission and the individual members thereof and plaintiff's present action is brought in an effort to relitigate anew the issues which have already been decided in the prior action.

Timmons contends that she may not be barred from proceeding in the United States District Court because of a prior adjudication against her proceeding in the State Court, citing England v. Louisiana Medical Examiners, 375 U.S. 411 (1964). However, the England case involved an action which was originally brought in the United States District Court involving a question of state law. The Federal Court, invoking the doctrine of abstention, stayed its proceedings until the Louisiana State Court had decided the issue. After the State Court had decided the issue contrary to England's position, he came back to the United States District Court, which dismissed the action stating that all issues had been raised and decided by the

IT IS FURTHER ORDERED that this action be and the same is hereby dismissed.

AND IT IS SO ORDERED.

September 9, 1976 ROBERT F. CHAPMAN

JUDGMENT

This action came on for hearing before the Court, Honorable Robert F. Chapman United States District Judge, presiding, and the Defendant's motion for summary judgment having been duly heard and a decision having been duly rendered,

It is ordered and adjudged that Plaintiff, Annie Mary Timmons take nothing of Defendants, Thomas O. Lawton, Jr., Mrs. O. T. Smith, Alderman Duncan, Wayne W. Freeman, Mrs. William Close, W. Wright Bryan, MRs. Laura J. Quattlebaum, Rufus W. Cosnell, George C. Rogers, Jr., Joseph B. McGee, Jr., Dr. Joe M. Lesesne, Thomas E. Thornhill, Dr. Maceo Nancy, and James M. Barnett, and the action be dismissed.

MILLER C. FOSTER, JR.
Clerk of Court

by; Linda N. Richardson
Deputy Clerk

Dated at Columbia, South Carolina, this 9th day of September, 1975.

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D. C. 20543

JAN 25 1977

Rec'd Jan 31, 1977

Ms. Annie Mary Timmons
3104 Monroe St.
Columbia, S.C. 29205

RE: Annie Mary TIMMONS v. Thomas O. LAWTON, JR., et al., 76-394
USCA 4 #75-2209

Dear Ms. Timmons:

The Court today denied the petition for rehearing in the above-entitled case.

Very truly yours,

Michael Rodak, Jr., Clerk
By
Helen Taylor
Helen Taylor (Mrs.)
Assistant Clerk

cc: Clerk
USCA 4
402 PO Bldg.
Tenth & Main Sts.
Richmond, VA. 23219

J. Wesley Drawdy, Esq.
2014 Sumter St.
PO Box 11567
Columbia, S.C. 29211

Ms. Joan Karen LeCraft Henderson
Asst. Attorney General - Wade Hampton Office Bldg.
PO Box 11549
Columbia, S.C. 29211

BEST COPY AVAILABLE

The Supreme Court of South Carolina

FRANCES H. SMITH
CLERK

P.O. BOX 11330
COLUMBIA, S.C. 29211

May 5, 1977

Ms. Annie Mary Timmons
3104 Monroe Street
Columbia, South Carolina 29205

Re: McGrath v. Timmons.

Dear Ms. Timmons:

The Court has this day refused your petition for rehearing in the above case in the following order:

"Petition Denied:

s/ J. Woodrow Lewis C. J.
s/ Bruce Littlejohn A. J.
s/ J. B. Ness A. J.
s/ Wm. L. Rhodes, Jr. A. J.
s/ George T. Gregory, Jr. A. J."

The remittitur is being sent down today.

Very truly yours,
Frances H. Smith
CLERK

FHS/djs

CC: J. Wesley Drawdy, Esquire
P. O. Box 11567
Columbia, S. C. 29211

Robert A. Bullock, Esquire
1013 Barringer Building
Columbia, S. C.

EXHIBIT B

The Supreme Court of South Carolina

FRANCES H. SMITH
CLERK

P.O. BOX 11330
COLUMBIA, S.C. 29211

May 26, 1977

Mrs. Annie Mary Timmons
3104 Monroe Street
Columbia, South Carolina 29205

Re: McGrath v. Timmons

Dear Mrs. Timmons:

The Chief Justice directed that I advise you that any stay of judgment in the above case must be granted by the United States Supreme Court.

Very truly yours,

Frances H. Smith

CLERK

FHS/BS

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D. C. 20543

June 8, 1977

Ms. Annie Mary Timmons
3104 Monroe Street
Columbia, South Carolina 29205

Re: Annie Mary Timmons v. John B. McGrath
A-1030

Dear Ms. Timmons:

Your application for stay in the above-entitled case has been presented to Mr. Chief Justice Burger, who has endorsed thereon the following:

"Denied
6/8/77
W.E.B."

Very truly yours,

MICHAEL RODAK, JR., Clerk

By Peter K. Beck

Peter K. Beck
Assistant Clerk

th

cc: Robert A. Bullock, Esquire
1013 Barringer Building
Columbia, South Carolina 29201

UNITED STATES TAX COURT
WASHINGTON, D.C. 20217

ANNIE MARY TIMMONS, Petitioner, v. COMMISSIONER OF INTERNAL REVENUE, Respondent.	Docket No. 2885-76

ORDER

Upon consideration of petitioner's "Motion to Extend the Time for Petitioners Reply Brief" filed on May 31, 1977, and respondent's Notice of Objection to petitioner's Motion filed on May 31, 1977, it is

ORDERED that petitioner's aforesaid Motion to Extend filed on May 31, 1977, is granted and the time in which petitioner is to file her Reply Brief herein is hereby extended from June 6, 1977, to and including August 8, 1977.

No further extensions of time to file Reply Brief will be granted and if petitioner's Reply Brief is not filed with the Court on or before August 8, 1977, this case will be deemed to be fully submitted to the Court for its consideration.

(Signed) Murray H. Falk

Special Trial Judge

Dated: Washington, D.C.
June 6, 1977

U.S. GOVERNMENT PRINTING OFFICE : 1976—O-221-477

Form 56
Rev. Apr. 1970

The Supreme Court of South Carolina

FRANCES H. SMITH
CLERK

P.O. BOX 11330
COLUMBIA, S.C. 29211

June 7, 1977

The Honorable Michael Rodak, Jr.
Office of the Clerk
United States Supreme Court
Washington, D. C. 20543

Re: John B. McGrath v. Annie Mary Timmons
S. C. Docket No. 76-234

Dear Mr. Rodak:

Pursuant to request from Ms. Timmons, I enclose herewith certified copy of the record in the above case considered by the South Carolina Supreme Court.

1. Transcript of Record
2. Brief of Appellant
3. Brief of Respondent
4. Supplemental Factual Brief
5. Petition for Rehearing with Order endorsed thereon
6. Opinion of the Court

Very truly yours,

FHS

CLERK

/BS

Enclosures

CC: Ms. Annie Mary Timmons

J. Wesley Drawdy, Esquire

Robert A. Bullock, Esquire

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS

First Federal Savings and Loan Association of Cayce,

Plaintiff,

-vs-

Annie Mary Timmons and The United States of America,

Defendants.

EXCEPTIONS TO REPORT OF MASTER

To: The Presiding Judge of the Court of Common Pleas for Richland County, South Carolina:

YOU WILL PLEASE TAKE NOTICE that the Plaintiff excepts to the Report of the Master, dated July 27, 1976, filed in the Office of the Clerk of Court for Richland County on July 27, 197 upon the following grounds:

1. That the Master erred in raising the issue of waiver as a defense for the Defendant, Annie Mary Timmons, wher such issue was in no way raised in the pleadings.

2. That assuming that the Master properly raised the issue of waiver, the Master erred in his findings of fact and applicable law that there had been a waiver. In addition there the mortgage executed by the Defendant, Annie Mary Timmons, to t Plaintiff provides: "Waiver of the due date of any installment hereunder shall not affect the due date of any subsequent installment, as hereby provided."

3. That the Master erred in finding in Paragraph 7 his report that Plaintiff accepted a single monthly late payme for January, 1974, the evidence being clear, convincing and un contradicted that Plaintiff received on February 11, 1974, a total of five (5) monthly payments bringing Defendant's accou

current through the month of February, 1974; that said five (5) payments were accepted by the Plaintiff pursuant to Plaintiff's letter to Defendant of January 7, 1974 (Plaintiff Exhibit 6).

4. That the Master erred by admitting into evidence, numerous written documents, containing self-serving declarations of the Defendant, Annie Mary Timmons.

Respectfully submitted,

Mortimer F. Smith
Attorney for Plaintiff

Cayce, South Carolina
August 6, 1976

ORDER

Heard together with exceptions taken by Defendant to the Report of the Master and this date the parties before me. ① and the mortgage signed under seal by Defendant had a non waiver clause reading: "Waiver of the due date of any installment hereunder shall not affect the due date of any subsequent installments as hereby provided"; ② that Defendant was delinquent in making its December 1974 installment; ③ that a check for the December 1974 installment was not received until seven (7) days after expiration of the thirty day grace period; and I find that plaintiff followed any course constituting a waiver of its right to enforce the terms of the contract expressed in the mortgage and secured note; and I conclude that the Master was in error (as plaintiff in its exceptions contends) in concluding that plaintiff had waived its right of foreclosure.

-2-

I, therefore, remand the case to the Master to determine the due debt on the debt including attorney fees and costs with direction that he report his findings and conclusions with the testimony and other evidence consistent with this Order.

3/24/77

Judge Presiding

BEST COPY AVAILABLE

EXHIBIT A

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS

John B. McGrath,
Plaintiff,

-VS-

Annie Mary Timmons,
Defendant.

NOTICE OF SHERIFF'S SALE

By virtue of an execution issued out of and under the seal of John R. T. Major, Clerk of Court for Richland County, South Carolina, upon a judgment rendered in the Court of Common Pleas of said County and State, docketed in the said Clerk's office on the 20th day of May, 1977, in an action wherein John B. McGrath is Plaintiff and Annie Mary Timmons is Defendant, in favor of said Plaintiff, and against the said Defendant for the sum of $38,416.11, which execution was directed to me as Sheriff in and for said County of Richland, I have levied upon all the rights, title and interest of the said Defendant, Annie Mary Timmons, in and to the following described real property, to-wit:

All that piece, parcel or lot of land, containing Eight and 56/100 acres, more or less, situate lying and being about Nine miles northeast of Columbia, in the County of Richland, State of South Carolina, on the south side of U.S. Highway No. 1 (Two Notch Road) being shown, delineated and designated as Lot No. 18, in Block No. 1, on said Richland County Tax Map No. 659, in the Assessor's office for said County located at 2020 Hampton Street, Columbia, South Carolina, and having the measurements and boundaries as shown thereon; and, except for a portion thereof taken by condemnation by the South Carolina Highway Department, being the identical real property conveyed to Annie Mary Timmons by the deed of Harry M. Lightsey, as Master for said County, dated February 19, 1960 and recorded in the office of the Register of Mesne Conveyance for said Richland County in Deed Book No. "268" at Pages "513 and 514".

ALSO All that certain piece, parcel or lot of land, situate, lying and being on the southern side of Devine Street, between Holly Street and Sims Avenue, in the City of Columbia, County of Richland, State of South Carolina, being in shape a rectangle, measuring on its northern and southern sides sixty-nine (69') feet, and on its eastern and western sides two hundred eight feet and eight inches (208'8") and being bounded as follows: On the north by Devine Street; on the east by lot, now or formerly, of Columbia Land Company; on the south by lands, now or formerly, of Columbia Land and Investment Company and property, now or formerly of Cora A. Brewer; and on the west by lands, now or formerly, of Romanstine and said lot commencing at a point two hundred four feet from the southeastern corner of the intersection of Devine Street and Holly Street and being known as 2920 Devine Street; and, being the identical premises conveyed to the said Annie Mary Timmons by the deed of Walter A. Owens by his deed dated October 1941 and recorded in the Office of the Register of Mesne Conveyance for said Richland County in Deed Book FB at page 235.

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EXHIBIT A-1

NOTICE IS HEREBY GIVEN that the undersigned, as Sheriff of said Richland County, will sell the above described real property to the highest bidder, for cash, at public auction, at the Richland County Court House, in the City of Columbia in the County of Richland, in the State of South Carolina, on the Fifth (5th) day of July 1977, at 11:30 (AM) o'clock in the forenoon (A.M.) of that day to satisfy the said execution together with interest and costs.

Said sale will be made subject to any and all properly recorded liens and encumbrances including, but not limited to, the mortgage of Annie Mary Timmons, to Flora Henry Plumer in the original principal sum of $29,300.00 plus interest, etc., recorded in said Register's office in Mortgage Book "M 280" at page "858", and the property taxes for the said City of Columbia, and said County for the years of 1976 and 1977.

↳ no taxes due

Frank Powell

FRANK POWELL
SHERIFF OF RICHLAND COUNTY

Columbia, South Carolina,

May 26, 1977.

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THE STATE OF SOUTH CAROLINA
In The Supreme Court

John B. McGrath, ... Respondent,

v.

Annie Mary Timmons, ... Appellant.

Appeal From Richland County
John Grimball, Judge

Memorandum Opinion No. 77-15
Filed February 11, 1977

AFFIRMED

J. Wesley Drawdy and William J. Nicholson, both of Columbia, for appellant.

Robert A. Bullock and Eugene F. Rogers, both of Columbia, for respondent.

PER CURIAM: Respondent instituted this action for attorney's fees, expenses, and compensation for additional non-legal services performed. The jury returned a verdict in favor of the respondent in the amount of $35,000.00. We affirm.

Appellant attempts to assert several alleged jurisdictional defects. Appellant specially appeared; however, after an adverse ruling she answered, counterclaimed, and moved for a summary judgment without reserving her jurisdictional questions. Section 10-648, Code of Laws, 1962. She has therefore waived all jurisdictional defects. Connell v. Connell, 249 S. C. 162, 153 S. E. (2d) 396 (1967).

Appellant asserts error in the denial of her motion for summary judgment on the basis that the respondent was not a licensed attorney in the State of Florida or South Carolina. In considering these exceptions, all ambiguities must be construed against the moving party. Title Ins. Co. of Minnesota v. Christian, ___ S. C. ___, 226 S. E. (2d) 240 (1976). Respondent is a licensed attorney in the State of Iowa. Respondent associated two South Carolina attorneys and was admitted pro hac vice to participate before our courts. Rule 13, Rules for the Examination and Admission of Persons to Practice Law (1975 Cum. Supp.). Significantly, appellant admits that the respondent fully disclosed to her that he was not licensed in the State of South Carolina. We find that the amount of attorney services rendered and the value of such services was properly submitted to the jury. DeWitt v. Kelly, 256 S. C. 224, 182 S. E. (2d) 65 (1971); Singleton v. Collins, 251 S. C. 208, 161 S. E. (2d) 246 (1968).

Appellant next asserts the award was so excessive as to indicate that it was the result of passion, prejudice or mistake. In reviewing this exception we are mindful that substantial deference must be accorded the jury verdict and the award should not be disturbed absent a presumption that the award was the result of passion or it shocks the sense of justice. See Lucht v. Youngblood, 266 S. C. 127, 221 S. E. (2d) 854 (1976); Haltiwanger v. Barr, 258 S. C. 27, 186 S. E. (2d) 819 (1972).

Respondent worked for the appellant for eleven months during which time he made numerous trips to South Carolina as well as traveling to New York and Georgia. Respondent negotiated several settlements for the appellant including claims by individuals, tax liens, and mortgage foreclosures. Although the respondent has already received approximately $8,000.00 from the appellant, he incurred a debt of $7,500.00 for associated attorneys which must be satisfied out of this award. We are unable to conclude from the record that the award was excessive.

The remaining exceptions are without merit.

Since a full written opinion would be of no precedential value, and no error of law appears, we affirm under Rule 23 of the Rules of Practice of this Court.

AFFIRMED.

s/ J. Woodrow Lewis C. J.

s/ Bruce Littlejohn A. J.

s/ J. B. Ness A. J.

s/ Wm. L. Rhodes, Jr. A. J.

s/ George T. Gregory, Jr. A. J.

FILED
JUL 27 12 1:PM '76
JOHN R.T. MAJOR
C.C.C.P. & G.S.

State of South Carolina
COUNTY OF RICHLAND

First Federal Savings and Loan Association of Cayce,

Plaintiff,

-vs-

Annie Mary Timmons, and the United States of America,

Defendants.

IN THE COURT OF COMMON PLEAS

MASTER'S REPORT (C.A. # _____)

Notice: The original of this Report was filed in the office of the Clerk of Court for Richland County, S. C., and copies hereof were forwarded to the below named parties on the 27th day of July 1976

JASPER M. CURETON
As Master for Richland County

TO:
Mortimer F Smith, Esquire
J. Wesley Drawdy, Esquire
Glen E. Craig, Esquire

J.M.C.

M.

P. # 1.

Columbia, S. C., July 27, 1976

TO THE PRESIDING JUDGE OF THE COURT OF COMMON PLEAS FOR RICHLAND COUNTY, S. C.:

I, the undersigned Master, report that pursuant to the Order of Reference granted in the above entitled cause, a reference was held, attended by the attorneys of record, the testimony was taken, which is herewith reported, and from the testimony and evidence I find and conclude as follows:

FINDINGS:

1. I find that on the 7th day of August 1970, for value received, Annie Mary Timmons, executed and delivered unto First Federal Savings and Loan Association, her promissory note in writing wherein and whereby she promised to pay the sum of Twenty-five Thousand ($25,000.00) Dollars, together with interest from September 1, 1970, at the rate of eight (8%) per cent per annum, said principel and interest being repaid in monthly installments of Two Hundred Thirty-eight and 95/100 ($238.95) Dollars, each commencing September 1, 1970, and on the first day of each month thereafter until paid in full, all of which will more fully show by reference being had to such note or obligation, a part of the evidence herein, (Plaintiff's Exhibit #1).

2. I further find that in order to better secure the payment of said note in accordance with the terms and conditions thereof, said Annie Mary Timmons, on the same date of August 7, 1970, made, executed and delivered unto the said First Federal Savings and Loan Association of Cayce (hereinafter referred to as Association) her certain mortgage in writing, wherein she conveyed by way of mortgage the propety therein described, being the identical land and improvements set forth and described in the Complaint herein, that thereafter said mortgage was filed in the Office of the Clerk of Court for Richland County on August 12, 1970, in Mortgage Book M 196 at Page 541. There has been no assignment of the note and mortgage and the mortgage constitutes a valid first lien on the subject propmrty.

3. I further find that the note provides that failure to pay any installment for thirty (30) days, shall give to the Association the right to declare the entire balance due and payable. As of January 1, 1975, the Defendant was in arrears in

J.M.C.
M.
P. # 2.

her monthly payments for the month of December 1974. According to the Defendant, she mailed her check to the Plaintiff for the December payment on December 31, 1974, from Fort Lauderdale, Florida (Def. Exh. # C). The Plaintiff's President, Billy L. Williams, testified that he received the Defendant's check as best he could remember on January 13, or 14, 1975, after which his Board of Directors met and decided it would refuse the Defendant's tender of payment and turned the matter over to its Attorney for collection. However, Defendant's Exh. # B, indicates that Plaintiff's Attorney wrote to Defendant on January 8, 1975, refusing the payment and calling for the entire balance due on the loan.

4. I further find that on or about January 12, 1975, the Defendant attempted to pay the January 1, 1975, payment, but same was refused by the Plaintiff. Thereafter, by Cashiers check dated January 21, 1975, the Defendant attempted to pay both the December 1974, and January 1975, payments, but both were refused by Plaintiff and returned to her in Plaintiff's letter of January 24, 1975, (Def. Exh. # E).

5. I further find that the Defendant in her Answer, merely denies that she is in default in payment of the note installments and alleges that she has tendered payment of all installments due the Plaintiff. She attempted to substantiate this claim by showing that the Plaintiff misapplied the funds in two (2) accounts held by the Association and contends that if those funds were properly applied toward mortgage payments, that her mortgage payments would be paid several months in advance. The funds in question appear to be monies remaining undisbursed from her mortgage loan closing, supposely withheld by Plaintiff due to a lien that needed to be satisfied and work to be completed on the mortgaged premises. These undisbursed funds consisted of Nine Thousand Four Hundred Eleven ($9,411.00) Dollars, placed into two (2) accounts; one for Two Thousand

J.M.C.
M.
P. # 3.

($2.000.00) Dollars in an interest bearing savings account, and Seven Thousand Four Hundred Eleven ($7,411.00) Dollars in a non-interest bearing "Loan In Process" account.

6. I further find that contrary to Defendant's contentions, she did in fact authorize and direct the disbursement of funds from these accounts, and is now estopped from asserting misapplication of these funds by the Plaintiff (Def. Exhibits F,G,L,M & Q). The Defendant's own exhibits clearly show that she authorized use of some of these funds for arrears payments; received Eight Hundred Ninety-eight and 16/100 ($898.16) Dollars herself on January 28, 1972; received drawn for improvements totaling Three Thousand ($3,000.00) Dollars, and directed that the balance be applied to reduce the mortgage balance.

7. I further find that the Defendant has on numerous occasions since the execution of subject mortgage, been late in her payments, up to several months at a time. On January 7, 1974, the Plaintiff advised the Defendant by letter (Pl Exhibit # 6) that all deliquent payments would be due immediately and "that if this loan becomes deliquent at any time in the future, the entire balance of the loan be called for". Less than one month later the Plaintiff by its letter of February 1, 1974, (Def. Exhibit J) allowed the Defendant to pay her January 1, 1974 payment, forty-five (45) days past the due date (by February 15, 1974). In the same year, the Defendant paid her June 1, 1974, payment on July 19, 1974 (See copies of checks submitted along with Defendant's affidavit). This check cleared the bank on which it was drawn on July 25, 1974. Plaintiff, Association, claims that its letter of January 7, 1974, put an end to its acquiescence in or to the late payment "habit" of the Defendant.

8. I further find that the Defendant did not allege in her answer that the Plaintiff had waived its right to prompt payment on the note, however the Defendant did attempt to

J.M.C.
M.
P. # 4.

introduce testimony at the hearing that would show such a waiver such testimony being objected to by the Plaintiff. I invite the Court and feel it will become apparent from a review of the record that even if the Defendant did not properly raise the issue of waiver that this Court should ex mero moto raise that issue.

9. I find that the amended Summons and Complaint were filed on November 4, 1975, and according to the Plaintiff's Attorney, the Lis Pendens was mailed to be filed on September 5, 1975. However, the file does not reflect such filing and I find that the law would require a refiling of the Lis Pendens if this Court should grant requested foreclosure.

CONCLUSIONS:

10. I conclude that the Plaintiff has through its course of dealings, extensions, forebearance and leniency, lulled the Defendant into a sense of security and belief that the Plaintiff would not strictly enforce the terms of its note and mortgage, Satcher vs. Woodmen of the World Life Insurance Society, 199 S C. 59, 18 S.E. 2nd 523. And thus, the Plaintiff has waived its right to demand strict performance of the terms of its note and mortgage and should be estopped from bringing this action when the Defendant was at most seven (7) days into default period in making her December 1, 1974, payment (note permits Defendant to become thirty (30) days late in making a payment before same shall constitute an event of default thereunder). This period of default was certainly insignificant as compared to previous periods of default tolarated by the Plaintiff Association.

11. I further conclude that the note and mortgage are not in default, and the debt cannot be accelerated; I further conclude that upon payment by Defendant to Plaintiff of all monthly

J.M.C.
M.
P. # 5.

installments from December 1, 1974, to date in order to bring the note current, that judgment should be rendered for Defendant; that Defendant have twenty (20) days from the date of any Decree of this Court to make such payment; that upon failure of the Defendant to make such payment, the Plaintiff is to have judgment against the Defendant for foreclosure of its mortgage, provided, however, this matter should remain under reference for the sole purpose of determining the balance due the Plaintiff, interest and costs, and for the setting of a reasonable Attorney fee for Plaintiff's Attorney.

12. I further conclude that Defendant should pay the costs of this action.

Respectfully Submitted,

Columbia, S.C.
July 27, 1976

Jasper M. Cureton, As Master
in Equity for Richland County

J.M.C.
M.
P. # 6.

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND)

First Federal Savings and Loan Association of Cayce,

Plaintiff,

vs.

Annie Mary Timmons and the United States of America,

Defendant.

AFFIDAVIT OF ANNIE MARY TIMMONS

The Affidavit of Annie Mary Timmons would respectfully show the Court:

I appreciate this opportunity to make a correction in my testimony of April 29, 1976 before this Honorable Court and to submit additional information by way of Affidavit.

A. Correction: I did not correctly hear or did not understand the Court's last question to me at the close of the hearing of my testimony. I thought the question asked was "Do you think the First Federal Savings and Loan Association was guilty of misappropreation of your money in this instance?" When my attorney told me the Court was really asking about misapplication of my funds, I was aghast at my own error in hearing or in comprehending the question.

There is absolutely no question as to the misapplication of funds. The entire loan should have been paid to me directly at the time of the closing since I had already done most of the work on the building at that time and needed the money to pay the cost of same. The $15,000.00 payment was all right if the balance of the loan had been paid within 30 days unless withheld for some specific work I should be directed to do. I received no such directive and continued to apply for the balance of my money I began paying interest on August 7, 1970.

The placing of $2,000.00 in a Savings Account for me 'with strings attached' was entirely unnecessary, besides being also a misapplication of funds for the weak reason Attorney Smith offered on April 29 concerning Attorney Brantley's claim against me for $1,000.00. It is true that when I refused to employ Mr. Brantley for the condemnation case because of the spurious contract he offered me, he made up a claim for $1,000.00, place a lien for same against the $3 million dollar

complex being condemned, and then publicized his action by means of prominent newspaper stories. His claim was designed and made of Laurel Street property and had no reason for being in existence at all as well as no possible relationship to 3104 Monroe.

Even though I took a Polyanna attitude concerning it, I felt that it was a misapplication or funds to apply only a part of the savings account to my mortgage loan payments after failing to turn over the entire account to me. Holding the balance of my loan in the form of a Savings Account with strings attached or in any way was a complete misapplication of funds since the work on the building securing the loan had already been done and I was never told, after repeated requests for the balance of my money, of anything more that should be done. Besides that I was paying interest on this balance since August 7, 1970 and should have had possession of my money. No one was paying me any interest for the use of it.

It was further misapplication of my funds to refuse to pay me my balance of $4,411.00 (after the savings account was taken), then to apply a small part of this balance in the amount of $996.72 for mortgage loan payments, and finally to apply the balance of $3,414.28 to the principal sum. I was forced to accept the arrangement even though, in the absence of possessing the money myself, I had begged the First Federal to apply the <u>entire sum</u> to the mortgage payments.

B. Additional Information: All payments from August 1970 to December 1974 were made and accepted according to the <u>pattern established</u> by mortgage payments being made <u>any time during each month</u>.

Then came December 1974 and the capricious action of the First Federal in returning my mortgage payments from that time on. The First Federal refused to accept the December 1974 check because of the check having been written on the 31st day of the month despite the fact that all payments except 6 during 4 years and 4 months had been paid by checks written on the very last day of the month or toward the end of the month and had been accepted by the First Federal.

The pattern of payment had been well established and accepted prior to December 1974. During the 11 months before December <u>April</u> payment had been made the <u>last day of the month</u>, <u>October payment</u> was made <u>October 28</u> only 3 days prior to the last day, and other payments toward the end of the month while only one check was dated <u>the first day of the month</u>. That was for the month of November.

(2) All payments were made as follows in accordance with the checks marked <u>Exhibit 1</u>.

<u>1970 Checks</u>

August 15 (for Sept.)	238.93	149
November 25	477.85	153
December 1	240.15	165

<u>1971 Checks</u>

January	961.50	135
February		
March		
April		
May 1	240.35	139
June 1	240.35	145
July 1	240.35	107
August 6	240.35	117
September		
October	1245.95	(taken from my Savings Accounty for these 4 4 months and January 1972.)
November		
December		

<u>1972 Checks</u>

January	(already paid in check for 1245.95 taken from savings account)	
February 27	240.35	110
April 5	240.35	123
May 6	240.35	276
June 19	240.35	284
July 1	240.35	285
August 6	240.35	287
September 8	240.35	292
October 15	240.35	295
November 25	249.18	300
December 27	249.18	532

<u>1973 Checks</u> (paid in full and one payment over)

February 28	249.18	128
April 16	996.72	(4 months through May taken from my money held by First Federal.)
June 24	249.18	130
July 27	249.18	110
August	(these 2 checks placed in evidence at the 1st Hearing)	
September		
October		
November	1280.05	(these 3 months together with January & February 1974 were paid in this check for $1280.05 dated February 5, 1974) (Exhibit 2)
December		

<u>1974 Checks</u>

January 4	256.01	168
(Reported never received, Pass book never was returned and loose pages with illegible figures were substituted.)		
January 29	256.01	174 (returned) (Exhibit
January 29	256.01	175 (returned) 3)
February 5	1280.05	178
(Payment was made for October, November, December 1973 also January and February 1974 while the First Federal claimed the checks lost and returned in January were late.)		
March 11	256.01	179
April 30	256.01	184
May 21	256.01	187
July 19	256.01	188
July 22	256.01	189

August 13	256.01	242	
September 9	256.01	245	(Exhibit 4)
October 28	256.01	256	
November 1	256.01	265	

(Refused and returned checks were introduced at the 1st hearing December payment was refused 3 times and served as a basis for this foreclosure.)

Some delays called 'delinquent' by the First Federal were occoasioned by time-consuming periods used for making decisions such as whether or not to give me any money and if not how much of my balance should be applied to mortgage payments and how much should apply to the principal sum. Other delays were caused by making applications for funds allegedly being held by the Court for me but most of which had already been paid out to false claimants, by failure to return my pass book, and by return of 3 payments made in January 1974 and 4 checks paid in January 1975.

The First Federal received the December 1975 check claimed to be the basis for the foreclosure, refused to accept it calling it delinquent, demanded foreclosure, called for the entire balance due on loan, expressed regrets for so doing and mailed the whole deal to me in a letter dated Janury 8, 1975, just 8 days after my payment of December 31, 1974. The mail usually takes 4 days, and that indicates fast arrangements.

Payments were attempted as follows:

December 31, 1974	256.01	265	Refused & returned
January 12, 1975	256.01	265	
January 12, 1975	256.01	267	Returned
January 21, 1975	256.01	26414	Returned (cashiers check)

(Exhibit 5)

The foreclosure action was erroneously based on false propaganda making me a 'bad risk' and not on non-payment of mortgage, the only acceptable basis. I was no more responsible for the false propaganda that victimized the First Federal than was this Court.

Since all mortgage payments had been made and accepted according to the established pattern prior to the December 1974 payment and the December payment was made in accordance with the same pattern, the First Federal had no right to refuse that payment as well as other payments that were made in January 1975. All payments since December 1974 would have been paid had the First Federal not refused to accept the December payment following the same pattern as all the others prior to that and all those attempted thereafter.

I am therefore not in default. This foreclosure action should

be stopped and the loan restored to its original status of November, 1974 if not cancelled entirely because of First Federal's repeated refusal to accept payments and the fact that at all times this mortgagor has been faithful to pay, anxious to fulfill her responsibility to First Federal, and cooperative since the loan agreement.

The restoration of the loan would allow the mortgagor to resume her position as a 'good risk' which was always her lot prior to the birth and legal demise of the Tri-Commission, would assure the mortgagor (robbed of 163 leving units with 70 others forced into non-use) a place to live, would restore the right relationship between mortgagor and mortgagee, and would give some justice to all concerned.

_____

Annie Mary Timmons

SWORN TO AND SUBSCRIBED

before me this _____day of May, 1976.

_____

NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission expires: _____

said.

The State Feb. 11

Fire Strikes Old Apartments

Fire struck a section of Shandon already plagued by arson, as the vacant Miracle(Apartments No 2 at 2920 Devine St. was engulfed in flames about 10 p.m. Friday.

The apartments, owned by Annie M. Timmons, suffered severe damage in the second story and roof.

The crews of four pumper trucks and a ladder truck fought the blaze until late Friday.

The cause of the fire was not known.

Two teenagers were arrested Dec. 2 and charged in connection with a fire at the same apartments this past Sept. 14. Police identified them as Billy Edward Roberts, 18, of Rt 4, Bluff Road, and Donald Thomas Parker, 17, of 501 Dogwood St.

On Dec. 3 a fire caused $5,000 damage to the building and $10,000 damage to the contents at Folline's Knit and Bridge Studio Inc., 2926 Devine.

The Shandon area had been plagued for several months with set fires, including one at Hand Middle School, which caused $750,000 in damage.

Vacant Buildings

The State Feb. 13, 1977

Suspicious Fires Probed

Columbia police and fire departments are probing two fires which Friday night and early Saturday damaged vacant buildings in Shandon owned by Annie M. Timmons.

The first fire was at 2920 Devine St., site of the Miracle Apartments No. 2 less than a block from the Shandon Fire Station. Almost by the time firemen were through there, they were called to another building owned by Mrs. Timmons at 3100 Duncan St.

Fire Chief H. Bert Dickert said Saturday the fires were being investigated along with other recent fires in the Shandon area.

Other fires have occurred in vacant buildings owned by Mrs. Timmons.

The Saturday before Hand Middle School was severely damaged by fire on Nov. 29, a vacant house owned by Mrs. Timmons at 3701 Heyward St. was damaged by fire.

And on Dec. 2 two teenagers were arrested and charged in connection with a fire on Sept. 14 at Mrs. Timmons' building at 2920 Devine, the same place as the fire Friday night.

The teenagers were identified by police as Billy Edward Roberts, 18, of Rt. 4, Bluff Road, and Donald Thomas-Parker, 17, of 501 Dogwood St.

Reportedly Mrs. Timmons is again living in Columbia, although she lived in Florida during a controversy over the demolition of her Miracle Apartments on Laurel Street. Mrs. Timmons sued the S.C. Tricentennial Commission for $15 million in damages, saying the property was condemned needlessly.

In the latest fires, the one on Devine was reported at 9:17 p.m. Friday. The flames apparently had started in the northwest corner of the second floor and spread to the top of the three-story brick building.

Five pumper trucks and a ladder truck were sent and Chief Dickert was called in.

Firemen left the scene at 12:58 a.m. Saturday and at 1:46 a.m. the Duncan Street alarm came in. Dickert also accompanied his men there.

That fire had started on the southwest side of the house at the second floor and spread to the third floor. Damage was extensive.

A resident of nearby Walker Street told fire investigator Robert D. Axson that he heard a window of the building blow out and smelled gasoline or kerosene shortly before the fire could be seen.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND) IN THE COURT OF COMMON PLEAS

The South Carolina Tricentennial Commission,

Petitioner,

vs.

Annie Mary Timmons, et al.,

Respondents.

ASSIGNMENT

For valuable consideration, receipt of which is hereby acknowledged, the undersigned hereby gives, releases and assigns unto William F. Able, the sum of Eight Thousand Two Hundred and no/100ths ($8,200.00) Dollars out of the funds in the hands of the Clerk of Court for Richland County. The said Clerk is hereby authorized to pay said sum unto William F. Able. In the event of Court approval, I hereby consent to such order which is necessary to release said sum of money to William F. Able.

WITNESS my hand and seal this 11th day of February, 1977.

WITNESS:

Virginia L. Wiggins
Gwen P. Benton

Annie Mary Timmons (L.S.)
ANNIE MARY TIMMONS

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

PERSONALLY appeared before me Gwen P Benton who being duly sworn, deposes and says that She saw the within named ANNIE MARY TIMMONS sign, seal and as her act and deed, deliver the within Assigment for the uses and purposes therein mentioned, and that She with Virginia L. Wiggins witnessed the execution thereof.

Gwen P. Benton

SWORN to before me this 11th day of February, 1977.

Virginia L. Wiggins (L.S.)
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 6/6/82

Now Miss Timmons Really Needs A 'Miracle'

The Columbia Record - Feb. 14, 1977

Each Monday in this space The Record will follow up unfinished items in the news. If you have any suggestions for us to pursue, write "Follow-Up," Box 1333, Columbia, S. C. 29202.

Follow-Up To The News

For seven years Annie Mary Timmons fought officials who had her Miracle Apartments demolished to make room for a Tricentennial exhibit in 1970.

Litigation extended to the U.S. Supreme Court three times.

On January 25 the court refused to hear the Timmons case against 13 former members of the South Carolina Tricentennial Commission.

Now, her appeals exhausted, she is living in Columbia in an apartment building that is involved in a separate condemnation fight with City Hall.

A cash award of $325,000, granted in 1969 as compensation for the Miracle Apartments, was held by the Richland County Clerk of Court. She says she was never given the opportunity to claim the money.

That amount, reduced by attorneys demanding payment and such things as property taxes has dwindled to little more than $8,600 according to Court Clerk Bob Major.

The Miracle Apartments stood on Laurel Street between Pickens and Henderson. They were taken by the state supposedly to build a parking area for the Hampton-Preston House behind the apartments.

The Hampton-Preston mansion was restored and used as part of the Midlands Tricentennial exhibition. But the parking lot for the house was not built.

Dissatisfied with the judgment against her, Miss Timmons moved to Florida and lived for several years while she fought in court. She claimed her civil rights were violated in the way the apartments were condemned. She asked for $15 million in damages.

Now she says, she is simply "existing," devoid of hope for the future. The condemnation destroyed her faith in human nature and that was worse than "losing my health and my property," she said.

Meanwhile, another suit is still in the courts. In that one, she claims the City of Columbia is unlawfully trying to demolish other properties she owns in the city. The buildings have been plagued by fires and theft of her stored furniture.

The city ordered her to repair the structures to make them habitable. When that was not done the city ordered them demolished.

Zoo Fans

More than a thousand persons joined the Riverbanks Zoological Society after a membership drive late last year.

Those holding family or individual membership cards now are admitted free to the zoo at any time. With the individual $8 card, the member and one guest are admitted. Family memberships, at $18, cover the entire family.

George Davis, finance director at the zoo, said about $10,000 was earned by the membership drive. Another one is planned for the spring.

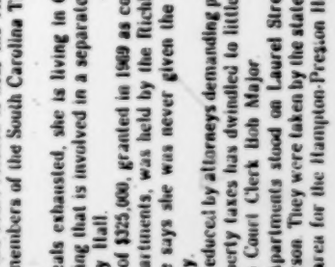
Besides providing financial and other support for the zoo, the Zoological Society prints a newsletter. The publication and reciprocal admission pacts with some other zoos are included in the membership.

Davis said a significant portion of zoo revenues are obtained through concession stands, parking and the gift shop.

So even with unlimited free admission for society members, the zoo benefits financially from them.

After The Crash

Moments after the Pittsburgh Steelers bombed the Baltimore Colts in last year's American Football Conference playoffs, a 33-year-old pilot nose-dived into Baltimore Memorial stadium.



Fortunately Donald Kroner's light plane landed in an empty upper deck. He was hospitalized and has since been in custody, charged with negligent operation of an airplane and destruction of property.

According to The New York Times, Kroner has a history of mental problems. A psychiatric report says he is mentally ill but not legally insane, The Times said.

Following the Dec. 19 incident, the Federal Aviation Administration "indefinitely" revoked his certificate to fly.

Last week, Kroner was found guilty on the charges against him in a Baltimore court. He was sent for another mental exam.

By WALTER PUTNAM

(Exhibit #2)

Form **1040** **US** Department of the Treasury / Internal Revenue Service
Individual Income Tax Return **1970**

For the year January 1–December 31, 1970, or other taxable year beginning ____ 1970, ending ____ 19____

Please print or type — Corey

Your social security number: 214-54-6752
Spouse's social security number:
Occupation: Your: Retails; Spouse's:

Filing Status—check only one:
1 ☐ Single; 2 ☐ Married filing jointly (even if only one had income)
3 ☐ Married filing separately and spouse is also filing. If this item checked give spouse's social security number in space above and enter first name here ▶
4 ☐ Unmarried Head of Household
5 ☐ Surviving widow(er) with dependent child
6 ☐ Married filing separately and spouse is not filing

Exemptions — Regular / 65 or over / Blind
7 Yourself . . . . . ☑ ☑ ☐ Enter number of boxes checked ▶ 2
8 Spouse (applies only if Item 2 or 6 is checked) ☐ ☐ ☐
9 First names of your dependent children who lived with you ____ Enter number ▶
10 Number of other dependents (from line 34) . . . ▶
11 Total exemptions claimed . . . . . ▶

Please attach Copy B of Form W-2 to back

Income

12 Wages, salaries, tips, etc. (Attach Forms W-2 to back. If unavailable, attach explanation)	12	
13a Dividends (see pages 5 and 9 of Instr.) $ ____ 13b Less exclusion $ ____ Balance ▶ (Also list in Part I of Schedule B, if gross dividends and other distributions are over $100)	13c	
14 Interest. Enter total here (also list in Part II of Schedule B, if total is over $100)	14	
15 Income other than wages, dividends, and interest (from line 40) Gross	15	1460000
Deductions – See attached schedules and information		
~~16 Total (add lines 12, 13a, 14 and 15)~~ on 4th page!	16	3,463,130.97
17 Adjustments to income (such as "sick pay," moving expense, etc. from line 45)	17	
18 Adjusted gross income (subtract line 17 from line 16) Loss	18	3,449,030.97

See page 2 of instructions for rules under which the IRS will figure your tax and surcharge.
If you do not itemize deductions and line 18 is under $10,000, find tax in Tables. Enter tax on line 19.
If you itemize deductions or line 18 is $10,000 or more, go to line 45 to figure tax.

Tax and Surcharge

19 Tax (Check if from: Tax Tables 1–15 ☐, Tax Rate Schedule X, Y, or Z ☐, Schedule D ☐, or Schedule G ☐)	19	
20 Tax surcharge. See Tax Surcharge Tables A, B and C in instructions. (If you claim retirement income credit, use Schedule R to figure surcharge.)	20	
21 Total (add lines 19 and 20)	21	None

Please attach Check or Money Order here

Payments and Credits

22 Total credits (from line 55)			22
23 Income tax (subtract line 22 from line 21)			23
24 Other taxes (from line 61)			24
25 Total (add lines 23 and 24)			25
26 Total Federal income tax withheld (attach Forms W-2 to back)	26		
27 1970 Estimated tax payments (include 1969 overpayment allowed as a credit)	27		
28 Other payments (from line 65)	28		
29 Total (add lines 26, 27, and 28)			29

Make check or money order payable to Internal Revenue Service.

Bal. Due or Refund

30 If line 25 is larger than line 29, enter BALANCE DUE. Pay in full with return	▶	30
31 If line 29 is larger than line 25, enter OVERPAYMENT	▶	31
32 Line 31 to be: (a) Credited on 1971 estimated tax ▶ $; (b) Refunded ▶		$

Sign here

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct, and complete.

Your signature: Annie Mary Timmons Date: Apr 15 1971

Spouse's signature (if filing jointly, BOTH must sign even if only one had income)

Signature of preparer other than taxpayer, based on all information of which he has any knowledge. Date

Address

Statement of Income, Expenditure, and Other Deductions for 1970

Income		14,600.00
Deductions for Expenditures		
Telephone	401.90	
Elec. and Gas	2,023.94	
Water	779.15	
Advertising	216.26	
Misc. items	401.04	
Fuel Oil	87.89	
Grounds	2,247.50	
Automobile	1,324.41	
Property Taxes	4,051.37	
Losses	3,402,670.50	
Legal	20,364.00	
Insurance	1,360.81	
Repairs	9,100.90	
Misc. Tax	67.00	
Interest	5,278.33	
Total		3,450,375.00
Other Deductions		
Depreciation	12,568.97	
Church	87.00	
Personal Exemption	600.00	
Total Deductions		3,463,630.97
Loss		3,449,030.97

Statement — 1970

I submit this Tax Return with my apologies for any omissions, inaccuracies, or mistakes that might be contained therein. I have done the best that can be done, I believe, by using the only records available (the ones I had with me for other purposes when I was away from Laurel St.), by checking directly with business firms, and by using estimates plus memory.

About 20,000 of my records - actually only a part of the vast number of records substantiating the the Laurel St. operations - are in the Circuit Court. Many, many records stored in record rooms at 1620 Laurel could not be found after the property was taken by force from the owner. I have been told that after the tenants were driven out and I was evicted from my own property "in absentia", and all the services were stripped from the entire project the buildings were then ransacked and stolen from - particularly my home and office where many records including the current ones were kept - and a number of record rooms from which were stolen all my clothes, jewelry, TV's, Radios, typewriters, tape recorders, Records pertaining to all properties current and past and thousands of valuable and necessary items.

When I returned home after an attack of high blood pressure caused by the continual persecution on the part of the Tri-Centennial Commission, I found I had no home, no office, no business, not even one of the 163 units I built over a 25-year period, no clothes, no personal belongings necessary for every day living. I still do not have a home in which to live,

no business, no nothing, and am forced to spend most of my time trying to find a room I can pay for without any income as a result of the Tri-Centennial commission's confiscation (in my opinion and that of untold others) of my 5 buildings and grounds during my forced absence from home due to illness by means of an illegal deed (also my opinion and that of many others) to my property issued by the Clerk of Court to the Tri-centennial Commission whose acts, I believe, constitute a black page of heinous crimes in the history of SC and are a disgrace to that ~~State~~ wonderful.

I don't think it will be necessary for me to make any more income tax returns as I won't have anything on which to report. I would have had a fabulous return for 8 months of 1968 and all of 1969 and 1970 and thereafter had it not been for the guillotine of the Tri-centennial which began its operation the very month that I finished the last building and had all units and restaurant ready for a big sure cash return (March 1968).

Annie Mary Timmons

UNITED STATES TAX COURT

ANNIE MARY TIMMONS, Petitioner	)	
v.	)	Docket No. 2885-76
COMMISSIONER OF INTERNAL REVENUE, Respondent	)	

OBJECTIONS TO RESPONDENT'S MOTION TO DISMISS AND PETITION FOR CANCELLATION OF DEFICIENCY WITH ALTERNATIVE PLEA FOR HEARING BEFORE THE UNITED STATES TAX COURT.

The PETITIONER hereby files her Objections to respondent's motion to dismiss, her petition for cancellation of deficiency for the year 1970, and her REQUEST for hearing before The Tax Court of the United States in the event of no immediate decision on the tax claim for 1970 UPON THE GROUNDS that:

1. The respondent's selection and use of the wrong ground (Sections 6213 (a) or 7502 of the Internal Revenue Code of 1954) to serve as the basis for his motion to dismiss for lack of jurisdiction brought about the full jurisdiction of the Court in this case.

2. The respondent himself violated the statute selected to insure lack of jurisdiction by improperly mailing the notice of deficiency and thereby guaranteed the jurisdiction of the Court.

3. The respondent rendered the very same statutes ineffective as to their intent, purpose, and operation by precluding the petitioner from seeking relief and justice.

4. The respondent established and made firm petitioner's allegations

in his answer and proved no tax due for 1970 by his failure to accept or deny them, which by Rule 36(c) results in their being "deemed to be admitted."

5. The Commissioner of Internal Revenue withheld vital information from petitioner, which rendered it impossible for her to make any effort toward getting relief or protection in violation of 6713 (c) or 7502 of the Internal Revenue Code of 1954 and Amendment V of the Constitution of the United States.

IN SUPPORT THEREOF, the petitioner respectfully shows unto the Court:

1. Respondent's answer saying only that the petition was not filed as prescribed by Sections 621 (a) or 7502 of the Internal Revenue Code of 1954 opens the way for proof of the fact that he selected the wrong ground for proving jurisdiction and actually guarantees full and mandatory jurisdiction of the United States Tax Court in this case.

The statute used is a true gauge for jurisdiction only to the extent that the principals involved properly excercise its operation. It is positively limited as to jurisdiction by the variability of its operation. That variability in operation excludes it as a proper ground for determination of jurisdiction and eliminates the respondent's entire complaint. At the same time the resulting situation provides the jurisdiction of the Court and demands consideration for this taxpayer so deprived of her rights.

Assuming that the Commissioner of Internal Revenue mailed a paper somewhere July 16, 1973, the petitioner holds that the statute cannot function as a jurisdictional guide unless the taxpayer, one of the main principals, knows about the mailing by receipt or heresay, becomes involved in the operation of the law, and bears her part of the responsibility for obtaining jurisdiction of the Court. The respondent must look elsewhere for a ground in support of

lack of jurisdiction because of the variability of the selected law in operation.

It follows then that the operation of the law was halted with the mailing of the deficiency notice, and the taxpayer, already robbed of everything worthwhile in life continued her tragic struggle for mere existence without the slightest idea that the Commissioner of Internal Revenue would claim he had sent her notice in order to take everything she had and everything that was allegedly put aside for her as payment for her property.

Urgent and heartbreaking efforts to find out what was taking place against her after her accidental discovery of a lien dated February 10, 1975 filed in the Columbia, S. C. Courthouse resulted in a verbal statement March 11, 1976 of a Florida IRS agent to the effect that a notice of deficiency had been mailed March 8, 1973 (Respondent's motion stated July 16, 1973).

On March 29, 1976, just 18 days after the first hint on March 11, 1976 that a deficiency notice had been mailed to the petitioner, she submitted a petition for a hearing before the United States Tax Court. It was a timely petition coming only 18 days after knowledge of the deficiency notice. The petition establishes jurisdiction of this Court in addition to the fact that it was already established by the respondent's claim for lack of jurisdiction having been based on a law of variability that could not be used to establish jurisdiction.

2. The respondent did not send the statutory notice of deficiency to petitioner on July 16, 1973 to her "last known address" as required by Sections 6213 (c) or 7502 of the Internal Revenue Code of 1954 and is in

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violation of that statute.

(As a part of the discussion under point 2, the petitioner will make her denial of the Commissioner's allegation '1 - 5' designating them under point 2 as 'a - e').

(a) Petitioner hereby expressly denies respondent's first allegation. He did not send the notice of deficiency to her 'last known address", to any place she had ever lived in her life, or anywhere she had ever called her address. Since nobody ever told her of the mailing of a deficiency notice, she was therefore precluded from receiving said notice and of availing herself of her rightful remedy provided by this statute to seek justice in the United States Tax Court within a 90 day period after receipt of same.

The mailing of a deficiency notice to a place called the taxpayer's "last known address" on July 16, 1973 was completely unknown to petitioner until respondent's motion of May 11, 1976. She did not hear about nor receive such notice, nor has she ever seen it to this day. That is perhaps why she made the mistake of referring to a 'tax lien' someone recently ran across in the Courthouse records of Columbia, S. C. as a 'notice of deficiency'.* She knew she had misnamed the courthouse paper bearing the date February 10, 1975 when the respondent gave July 16, 1973 as the date of mailing of his notice of deficiency.

Petitioner's Ft. Lauderdale address was her well known address, her currently known address, and her last known address and was used consistently by IRS and all interested parties after December 1970 until now. For 40 or more years prior to 1970 Columbia, S. C. had been her address. The Ft. Lauderdale address was the same address from which the petitioner mailed income tax reports beginning with the 1970 report and was the same address

* Correction: Petition line 1 paragraph 2 of point 1 substitute 'lien' for '90-day notice.'

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to which IRS mailed communications to her.

Petitioner established Florida citizenship in 1970 by her physical presence, but due to her continued illness and the fact that no papers were necessary to establish domicile, she did not record her citizenship in the Broward County Courthouse until March 30, 1973. (Exhibit 1)

The deficiency notice in question could have borne the petitioner's name but was certainly not mailed to her well established, well known, and "last known" address to which and from which mail was moving constantly including that to and from IRS. The notice could have been sent on July 16, 1973 and may have been marked "for certification or registration" by the post office as claimed by the respondent, but there is no evidence given to prove receipt of said notice by petitioner or by anyone else to her knowledge.

Petitioner has never lived or even been in the state of Mississippi during her entire life except for Christmas Day several recent years. Attached hereto is an affidavit by Mrs. Flora Plumer, Magee, Mississippi 39111 in whose care the notice was claimed to have been sent (Exhibit 2). She states that to her knowledge petitioner had never been in Mississippi except recently on Christmas Day several times. Mrs. Plumer states further that she would not and could not accept registered mail for anyone other than herself, much less for one who had never had that address and who lived far away in another state.

Attached hereto also is a sworn statement (Exhibit 3) by a close neighbor and daughter of Mrs. Plumer who has lived in Magee, Mississippi for 28 years alleging that in all those years petitioner was never in Mississippi to her knowledge except for Christmas Day several different years recently. It doesn't seem possible for the Commissioner of Internal

Revenue to send an important notice meaning life or death to an addressee to a completely false address with a true well known address in his files and being used by him. But he said he sent the notice to Magee, Mississippi.

(b) The respondent was wrong in alleging that "The 90 day notice period for timely filing the petition with this Court .... expired October 15, 1973" because the notice of deficiency was not properly or legally mailed to petitioner's "last known address" and therefore could not constitute a legal beginning date for the running of the 90 day notice period. Petitioner denies allegation 2.

(c) Petitioner denies allegation 3 stating "The petition was filed 990 days after the mailing of the notice of deficiency". Mailing a notice of deficiency to be legal and effective must be directed as prescribed by the Internal Revenue Code to "the last known address". For the respondent to count 990 days from the day he dropped a letter in the mail to some wrong address with a well known working address in hand is outside the realm of reason and law.

(d) Respondent's statement that the petition was served upon the respondent "988 days after the mailing of the notice of deficiency" is specifically denied because a notice not mailed properly as prescribed by the statute could not indicate the starting point of a 988 day run to the door of the respondent.

(e) The allegation that "the petition was not filed with the Court within the time prescribed by Sections 6213 (a) or 7502 of the Internal Revenue Code of 1954" is specifically denied by the petitioner in the light of the improper mailing of a deficiency notice to a far distant state where she had never lived nor frequented and in view of the fact that, had the notice been properly mailed to her true address in the possession of and

being used by the Commissioner at the time, she would have made a quick and timely appeal to the United States Tax Court.

3. The respondent not only violated the statute involved here, the same statute he used as his ground for establishing lack of jurisdiction, by improperly mailing a notice of deficiency to an address in Mississippi, where petitioner's foot had scarcely touched the soil and she had never lived, in lieu of using her active address in his possession at the time but also destroyed the intent and purpose of the law which is to afford the taxpayer an opportunity to defend her rights and clear up any tax claim made.

Upon being denied any information concerning the notice for 3 years, petitioner's only recourse was to petition the United States Tax Court for a hearing as soon as she learned that a deficiency notice had been mailed. A Florida Revenue Officer told her March 11, 1976 that notice had been mailed, and she filed a petition with this Court March 29, 1976, 18 days after her knowledge of the notice.

This Petitioner is in desperate need of the restoration of her rights and of financial relief. Through the loss of her rights she has become a miserable victim of collusion and trickery, one instance being the John B. McGrath lien mentioned in paragraph 5 of her petition, and a target for thieves and false claims. Only the United States Tax Court can restore this petitioner's right to seek justice in this tax matter involving the sum total of all she has left for the remainder of her life.

4. Respondent by his failure to accept or deny petitioner's allegations in his answer of May 11, 1976 (Exhibit 4) established them as "deemed to be admitted" by Rule 36(e). Accordingly, all allegations contained in 2, 3, 4,

and 5 of the petition and paragraphs 2 and 3 under point 1 stand firmly and cannot be overthrown.

These allegations prove in the main that no tax could possibly be due by this petitioner for the year 1970. They cancel any deficiency claimed.

Brief references (except for parentheses) to a few of these allegations deemed admitted under Rule 36(c) are as follows:

No tax possibly due by petitioner for the year 1970.

Vital information controlling the case withheld from petitioner by respondent.

Petitioner's life work and rich investments (worth better than 3 million dollars) lost in 1970 by illegal taking.

Petitioner denied the opportunity to present the cost of the property taken.

Operating loss in 1970 proved by figures denoting income and expense (Income $14,600, expense without depreciation, etc. $45,454.50 and loss $30,854.00 but increased to $3,449,030.97 by the taking of her rich income property in 1970).

Respondent's deficiency claim necessarily based on money not received by petitioner but allegedly set aside ($325,000).

Respondent's claim based on money never to be received by petitioner because the funds allegedly set aside as payment already reduced by largely false claims to zero for her.

Petitioner a constant loser since the big theft of her property in 1970 and a victim of an anemic condition and cancer since becoming impoverished by fraud in 1970.

Petitioner in a desperate condition without income (not even Social Security), without business, without remuneration for her apartment complex taken in 1970, without money to repair sabotaged remaining buildings, and

completely without means of livelihood.

Some of the allegations in petition of March 29, 1976 "deemed to be admitted" under Rule 36(c) are quoted verbatim as follows (Exhibit 5):

(a) "Upon her return to Ft. Lauderdale, Florida she (petitioner) contacted the Internal Revenue Office March 9, 1976 and requested an investigation of the facts connected therewith."

(b) "All that could be learned was that such notice had been mailed to her March 8, 1973 (respondent's notice states July 16, 1973) to an address in Mississippi where she had never lived at any time and that all other information was in Columbia, S. C."

(c) "As soon as possible the taxpayer went to Columbia, S. C., and talked to a Mr. South of the IRS Collection Office who said very emphatically that all of the information in the case was on file in Florida."

(d) "There can be no tax liability without an opportunity being given to prove cost and loss."

(e) "The taxpayer suffered the loss of her life's work and investments by the illegal taking of her main income property on the part of an appointed commission in the state of South Carolina."

(f) "Since there was no income received (from the illegal taking of her rich income property) no opportunity was given to show the cost of her improvements."

(g) "She did give, however, on the tax return for 1970 her exact income received that year together with expenses in connection therewith."

(h) "Internal Revenue Service cannot charge taxes or monies never paid nor made available to the taxpayer."

(i) "Since she is being charged money for income never received, it

is absolutely necessary that she be given the opportunity in a fair court to present the facts and figures in connection with the claim."

(j) "The emergency of this taxpayer deserves consideration."

(k) "Now a disability from anemia (that caused cancer) and having been robbed of her income property, her business, and her home, and being without any means of livelihood from any source, this taxpayer is not in condition or position to go through with the process of the IRS taking of unowed taxes from a sum allegedly put aside for her property but already paid out in the main for attorney's fees and outright false claims and could not endure the resulting long-drawn-out lawsuit necessary for the recovery of taxes paid on money never received."

(l) "The defendant's properties were already attached .... in an action entitled John B. McGrath v. Annie Mary Timmons and are still involved ...."

5. The respondent withheld from petitioner vital information concerning her case in violation of 6213 (a) or 7502 of the Internal Revenue Code of 1954 and Amendment V of the Constitution of the United States. By his failure to inform her of what he was doing he denied her of all benefits she might have gotten from the laws governing both the respondent and the taxpayer. He precluded her from taking any steps to seek relief or justice by keeping her uninformed of his actions against her.

Respondent stated in his motion of May 11, 1976 that on July 16, 1973 he mailed a notice of deficiency to petitioner at Magee, Mississippi. If he wanted her to get the notice, he would have sent it to her true address in Ft. Lauderdale, which he had known since 1970. He went out of his way to keep her from receiving the notice. She was never told that the notice would be sent, was being sent, or had been sent. The weeks went by and she

was still in the dark as to any deficiency notice.

December 10, 1973, about 5 months after respondent claimed he sent the notice and 2 months after the 90 day period for petitioning the Tax Court would have run out, petitioner received a letter from IRS concerning her 1970 taxes. There was still no mention of a deficiency notice, and petitioner did not have the slightest idea that one had been sent 5 months prior to December 10, 1973.

Petitioner answered the IRS letter 3 days after receipt of it, December 13, 1973. She still didn't know that a deficiency notice had been sent and thought her letter was sufficient to clear up any question concerning the 1970 report.

When petitioner returned to Columbia in 1976 after 5 years of illness in Florida, she learned by chance that a tax lien had been filed against her property February 10, 1975 (Exhibit 6). She had not been informed of any tax lien nor did she yet know of the mailing of any deficiency notice 1-1/2 years before. She contacted the IRS in Columbia, S. C. and was told that all information concerning the case was in Florida and that she would have to inquire there.

Petitioner went to Florida and was told that in 2 days she would be given all information concerning her case. She still could learn little of the mailing of a deficiency notice or the filing of a tax lien. In 2 days the Florida Revenue Agent said "It is very difficult to get any information in the case from Columbia, S. C. such as a breakdown of figures, etc. All I've been able to find out in 2 days is that a notice of deficiency was mailed to you March 8, 1973 (the respondent said July 16 in his motion) to the address of a Mrs. Plumer in Magee, Mississippi."

Petitioner's efforts to find out what the respondent was doing were not entirely futile. From the date of July 16, 1973, the day of the alleged mailing of the notice of deficiency, until March 11, 1976, the date of the above-quoted lines, a period covering about 3 years, she learned that a deficiency notice had been mailed to a wrong address on a date (March 8, 1973) not in agreement with the date alleged in respondent's motion of May 11, 1976.

This taxpayer, without any income or means of livelihood and ill from anemia, was constantly struggling to borrow enough money for a loaf of bread and a place to stay and was unable to stage a campaign for discovery of what was being done against her. Had she not petitioned this court for a hearing March 29, 1976, she would never have found out about the respondent's alleged mailing of a deficiency notice on July 16, 1973.

It was the first part of January 1974, after answering on December 13, 1973 the IRS letter of December 10, 1974, that petitioner phoned the IRS office several times to find out whether she should do any more about the matter. She was advised not to do any more about it since she might not hear anything further concerning it.

Poor stupid taxpayer! There she was floundering in a river of deception because somebody improperly applied and distorted an excellent law created for the benefit of the taxpayer and the good of all parties concerned. She was an essential part of the law itself, which could not be considered to be in operation under the existing condition of respondent's withholding from her knowledge of his sending of a deficiency notice.

The taking by respondent of this unsubstantiated and unowed claim,

in the event dismissal of this case is not set aside by this Honorable Court, by means of his own violation of federal laws (Sections 6213 (a) or 7502 of the Internal Revenue Code of 1954 and Amendment V of the Constitution of the United States) made manifest in the improper mailing of a deficiency notice and in the withholding from petitioner of all information as to the sending of that deficiency notice would leave this taxpayer, already the tragic victim of wrongful taking and catastrophic losses in 1970, without one penny of compensation for her lifetime of 20 hour per day work and rich investments worth over 3 million dollars.

Such taking would also result in her remaining without a home, without a business, without an income (not even social security), and without funds with which to combat an anemic cancerous condition resulting from the taking and the manner of the taking of her highly valuable properties in 1970.

Indubitably, such taking would bring about loss of her remaining properties planned to be demolished unless sabotage caused by the first taking of property in 1970 can be repaired insofar as possible with the same money and only source of revenue sought now by the respondent to satisfy this erroneous tax claim.

And finally such taking by the respondent would abandon this petitioner to a hopeless condition of existence and without the quick relief that is necessary for her survival. Such taking would steal from her all those property and human rights guaranteed every citizen of this country by the Internal Revenue Code, the Constitution of the United States and other state and federal laws.

WHEREFORE, it is prayed that 'dismissal of this case for lack of jurisdiction' be set aside, that judgment of 'no tax due for the year 1970' be granted, or in the event of no immediate decision as to cancellation of the 1970 tax claim, that permission be granted for further hearing of these

matters before the United States Tax Court.

Date: June 22, 1976

Annie Mary Timmons
ANNIE MARY TIMMONS

Address of Petitioner, a
legal resident of Florida

Permanent: Box 978
Ft. Lauderdale, Fla.

Now and Indefinitely:

3104 Monroe St.
Columbia, S. C. 29205
Tele. No. 803-256-1417

1971

22

Apr. 5, 1971 Rec'd 572

$325,000 Involved

Timmon's Hearing Delay Denie

By ANNE MARSHALL
Record Staff Writer

Last minute efforts by Miss Annie Mary Timmons to halt dispersal of a portion of the $325,000 belonging to her as a condemnation award failed in the Richland County Court of Equity today.

Judge John Grimball ordered the hearing to proceed after reading a long telegram from Miss Timmons into the record.

The purpose of the hearing today was to disperse money from the fund held by Clerk of Court John R. T. Major to numerous creditors of Miss Timmons.

Judge Grimball said the money in custody of Major could not be dispersed without an order of the court and that Major had received numerous demands on the fund expected to exceed $65,000.

The wire from Miss Timmons was sent yesterday from Fort Lauderdale, Fla.

She left the state some six months ago and her creditors have submitted to the court numerous affidavits indicating that they have been unable to locate her.

In the wire Miss Timmons claimed to have learned only yesterday of this hearing. She said that she could not reach Columbia in time and that [illegible] ary for her to undergo further medical tests.

Miss Timmons asked a 30-to-60-day delay which was refused.

Miss Timmons said in the wire that she owed only a small mortgage and one small fee.

She said, "I have paid the attorneys for their good services and their bad services."

She had no attorney in court today.

Columbia attorney Arthur Cole was instructed by Judge Grimball that he was entitled to $16,500 for representing her at the condemnation trial brought by the South Carolina Tricentennial Commission.

Judge Grimball told C[illegible] that notice of legal service b[illegible] a law enforcement officer a legal process server wou[illegible] have to be received here a[illegible] testing that Miss Timm[illegible] had received a certified co[illegible] of the court order.

She will have 60 days fr[illegible] the date of service to cont[illegible] issuance of the order.

In the condemnation Miss Timmons receiv[illegible] $75,000 more than the co[illegible] mission had originally off[illegible] for the Laurel street pro[illegible] at the rear of the Hamp[illegible] Preston House.

The major demand or[illegible]

(Continued On Page 1-[illegible]

Record
Apr. 5, 1971
"no attorney in Court
Apr. 5"
I received notice of
this Court. I moved
the Judge in open
Court Hearing preceding
I created affidavit from
stating that which
was alleged to the
mine - Mr. Smith
and Hartzog

I need notice of this hearing the day before the hearing and moved for extension because of the impossibility of arriving in Columbia in time for Court - the next day Counsel denied or a letter moved in [illegible]

(Continued From 1-C)

funds is from the Home Federal Savings and Loan Association for approximately $25,000 remaining unpaid on its mortgage on the five building apartment complex.

An appraiser, Robert F. Fowlkes, requests about $10,000 and Richland County claims a tax bill of $1,400 is due.

The law firm of Easterling and Brantley have made a claim for $1,018.50 for its services and an attorney who represented Miss Timmons before the U. S. Supreme Court is requesting an unspecified amount in legal fees.

Another attorney Owens T. Cobb Jr. claims costs of $209 and the Tricentennial Commission is seeking to have refunded $1,182.50 in costs.

The commission has taken possession of the condemned property and the buildings are now being razed. The area will be reconverted into a formal garden which will complete restoration of the Hampton-Preston House and grounds.

The area now consists of a full block bounded by Laurel, Henderson, Blanding and Pickens streets.

Record Dec 23 1974

Winter condemned since 1971

Dec 23 1974

Columbia Record

City To Demolish Buildings

By WALTER PUTNAM
Record Staff Writer

Columbia's Urban Rehabilitation Appeals Board decided today not to grant an extension on orders to demolish seven buildings owned by Annie Mary Timmons.

The city will go ahead and have the buildings demolished after advertising for bids on the demolition, according to Joe Wister, director of Urban Rehabilitation.

The buildings owned by Miss Timmons have been in need of repair for several years. Wister told the board that he has had cases against the buildings since 1971.

He said he had promises that the five apartment buildings located in Shandon would be repaired but the promises were never kept. Finally, he said, Urban Rehab placed newspaper ads advising Miss Timmons that the buildings would be torn down if they were not repaired.

The other buildings are located on Devine Street and Calhoun Street.

Miss Timmons, who currently resides in Florida, has been involved before in battles with her property.

Her Miracle Apartments on Laurel Street were condemned in 1969 and torn down so a Bicentennial exhibit could be placed there.

She has yet to collect a $30,000 settlement awarded to her for the Laurel Street property.

J. Wesley Drawdy, attorney for Miss Timmons in the Ur-

(See BUILDING, 14-B)

Winter began condemning petitioners' property in 1971, at which time Berry Page and wife, etc. (illegible) were in perfect working order. Long time this could happen, be assured future and law have, to have by-passed. I live in Cortlank Manor all my life and in my 40 years work and investment. Winter began planning and working toward taking all my property away from me & declare title and left town.

bal Rehabilitation case this morning; urged the appeals board to grant an extension on (illegible) the demolition. He said the woman underwent surgery two weeks ago and is unable to travel.

But, he added, she should be allowed to see her property and evaluate the extent of deterioration.

Drawdy said an attorney in Florida placed an attachment against Miss Timmons's Columbia properties for legal fees, and she cannot sell the land. Drawdy said he is trying to have the lien ruled illegal through the courts.

But the city's stance is that the Florida attorney's attachment order in that state has no bearing in its case against the substandard buildings.

* Note: all efforts to get any compensation have failed 100 fr.

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But for my timely Telegram to the Court, which angered the Judge very much, Mr. McGrath might have collected false claim from the money alleged to have been set aside for me. My Telegram Also stopped another crooked lawyer, Horace Hartzog entirement to the hearing Apr. 5 and Ipeal to get Money from the Court. [12]

July 22, 1972

Breach Of Contract Suit Brought Against Miracle Apartments Owner

By ANNE MARSHALL
Record Staff Writer

John P. McGrath of Columbia has brought a breach of contract suit for $75,000 against Miss Annie Mary Timmons, owner of the Miracle Apartments that through condemnation became public property and part of the Hampton-Preston House.

The property, for which Miss Timmons received a jury award of $325,000, was to have been converted into a garden by the Tricentennial Commission.

Shortly after the court action, Miss Timmons left South Carolina and is believed to be in Fort Lauderdale, Fla.

The bank mortgage on Miracle Apartments was ordered paid by the court and attorneys for Miss Timmons received their fees. However, the bulk of the money is still in the custody of John R. T. Major, Richland county clerk of court, since Miss Timmons has never returned to receive it.

McGrath's suit, filed in the Richland County Court of Common Pleas, alleges that he and Miss Timmons entered into a special contract under which he furnished services between March 16, 1971, and May 25, 1972.

According to McGrath, the $75,000 is long overdue and Miss Timmons has failed to pay any of it.

He said in his complaint, "the defendant has absconded South Carolina with the intent to defraud her creditors or to avoid service of a summons. She is about to dispose of her property with the intent to defraud her creditors."

McGrath asks the court to sell Miss Timmons' remaining real estate to satisfy the alleged fees.

The real estate includes four lots with improvements on Devine street, at the intersection of Sims and Heyward; the intersection of Monroe and Sims; the intersection of Duncan and Sims, and 10 acres on U. S. 1, nine miles east of Columbia.

* McGrath

* He higher presumed about $ 000.00 * the false promise and bounced $2000 (2 separate notes), all of which I had $5 bounced for him and still owes.

He Appears to be a Super-Swindler between dope and liquor sprees.

* He swore off the case and anything connected with it or me in unintelligible language sprinkled with oaths many times before May 25, 1972.

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° a wicked and sinister scheme to steal all my valuable properties paid for the hard way through the years. He was welcomed by the crooks with open arms to help destroy me and become rich on my remaining properties. I never heard of any special contract.

City Stops Work
Refuses to issue Permit

CITY OF COLUMBIA, S. C.
BUILDING DIVISION
NOTICE OF RESULT OF INSPECTION

Date
Permit No.
Location
Contractor

DISAPPROVED

Remarks

CITY OF COLUMBIA
DEPT. OF BUILDING & INSPECTIONS

Address 3107 Heyward

THE WORK OR REPAIRS ON THIS BUILDING NEEDS TO BE PERMIT.
PLEASE COME BY OR TELEPHONE CITY HALL AND MAKE APPLICATION FOR THE PERMIT.

PHONE 765-1041-EXT. 236

Date 11-16-76

H R Montgomery
Inspector

The State
Oct 25, 1974

The City claims in the newspaper reports treating the owner as a liar as if she knew in fact by sending her a registered letter the truth as that all the people in Columbia with any interest whatever in my enterprises have written to me continually by register, duly certified, registered mail. It is an outrage that the city appears to congratulate itself for tracking me when anyone who wanted to could find me and even phone me at a few minutes.

Absentee Landowner Located

The City of Columbia has located absentee landowner Annie Mary Timmons but has not succeeded in getting her to repair properties she owns in the capital city.

The Urban Rehabilitation Division has found Mrs. Timmons in Fort Lauderdale, Fla. after a search of several months and has formally notified her that her properties will be condemned if she fails to make repairs. Grass at one of the locations has since been cut, but no repairs have been made, the division head said.

Mrs. Timmons was awarded a $200,000 settlement several years ago after one of her properties was condemned by the city to make way for a Tricentennial building. She has refused to collect it and is involved in litigation for a larger settlement.

She was located at the Fort Lauderdale address when she replied to a registered letter sent to her

BEST COPY AVAILABLE

Warrants

STATE OF SOUTH CAROLINA,
COUNTY OF RICHLAND.

By J. W. Bigham Ministerial Recorder in and for the said County and the said State.

To any Lawful Constable:

Whereas, Complaint upon oath has been made by Joe E. Winter that at Columbia, S. C., in the County and State aforesaid, on the 9th day of October, 1974, and each day thereafter, one Annie Mary Timmons, owner of 2920 Devine Street, violated Sec. 103.2 of the Housing Code of The City of Columbia, as per affidavit below.

THESE ARE THEREFORE to command you to apprehend the said defendant and bring Annie Mary Timmons before me, to be dealt with according to law.

GIVEN under my hand and Seal, this day of November, 1975.

Ministerial Recorder (L.S.)

AFFIDAVIT

STATE OF SOUTH CAROLINA,
COUNTY OF RICHLAND.

PERSONALLY appeared before me, Lawrence E. Fischer Notary Public of S. C. of the said County and State Joe E. Winter who, being duly sworn, says that Annie Mary Timmons, owner of 2920 Devine St., in the city of Columbia, County and State aforesaid, on the 9th day of October, 1974, and each day thereafter, violated Sec. 103.2 of the Housing Code of The City of Columbia in that she failed and refused to keep her property at 2920 Devine Street in a safe, and sanitary condition, making the necessary repairs thereby constituting a hazard to safety and health by reason of inadequate maintenance, dilapidation, obsolescence, after repeated notices by the Housing Rehabilitation Official to do so.

Against the form of statute in such case made and provided for, and against the peace and dignity of the State, and that Joe E. Winter and others are material witnesses for the State to prove said charge. The above information based on statement of facts made by Joe E. Winter

SWORN to before me this the 5th day of November, 1975.

Lawrence E. Fischer (L.S.)
Notary Public of South Carolina

STATE OF SOUTH CAROLINA,
COUNTY OF RICHLAND.

By J. W. Bigham Ministerial Recorder in and for the said County and the said State.

To any Lawful Constable:

Whereas, Complaint upon oath has been made by Joe E. Winter that at Columbia, S. C., in the County and State aforesaid, on the 14th day of October, 1974, and each day thereafter one Annie Mary Timmons, 3104 Monroe Street, violated Sec. 103.2 of the Housing Code of The City of Columbia, , as per affidavit below.

THESE ARE THEREFORE to command you to apprehend the said defendant and bring before me, to be dealt with according to law.

GIVEN under my hand and Seal, this day of November, 1975.

Ministerial Recorder (L.S.)

AFFIDAVIT

STATE OF SOUTH CAROLINA,
COUNTY OF RICHLAND.

PERSONALLY appeared before me, Lawrence E. Fischer, Notary Public of S. C. of the said County and State Joe E. Winter who, being duly sworn, says that Annie Mary Timmons, 3104 Monroe St. in the city of Columbia, County and State aforesaid, on the 14th day of October, 1974, and each day thereafter, violated Sec. 103.2 of the Housing Code of th e City of Columbia in that she failed and refused to keep her property at 3104 Monroe Street, Columbia, S. C., in a safe and sanitary condition by making the necessary repairs, thereby constituting a hazard to safety and health by reason of inadequate maintenance, dilapidation, obsolescence, after repeated notices by the Housing Rehabilitation Official to do so.

Against the form of statute in such case made and provided for, and against the peace and dignity of the State, and that Joe E. Winter and others are material witnesses for the State to prove said charge. The above information based on statement of facts made by Joe E. Winter

SWORN to before me this the 5th day of November, 1975.

Lawrence E. Fischer (L.S.)
Notary Public of South Carolina

STATE OF SOUTH CAROLINA.
COUNTY OF RICHLAND.

By J. W. Britton Ministerial Recorder in and for the said County and the said State

To any Lawful Constable:

Whereas, Complaint upon oath has been made by Joe E. Winter that at Columbia, S. C., in the County and State aforesaid, on ~~the~~ October 14, 1974, and each day thereafter, one Annie Mary Timmons, 1329 CALHOUN Street, violated Section 103.2 of the Housing Code of The City of Columbia, 1973 Edition, as per affidavit below.

THESE ARE THEREFORE to command you to apprehend the said defendant and bring Annie Mary Timmons before me, to be dealt with according to law.

GIVEN under my hand and Seal, this day of November, 1975.

(L.S.)
Ministerial Recorder

AFFIDAVIT

STATE OF SOUTH CAROLINA.
COUNTY OF RICHLAND.

PERSONALLY appeared before me, Lawrence E. Fischer Notary Public of S. C. of the said County and State Joe E. Winter who, being duly sworn, says that Annie Mary Timmons in the city of Columbia, County and State aforesaid, on ~~the~~ October 14, 1974, and each day thereafter, violated Section 103.2 of the Housing Code of The City of Columbia, in that she failed and refused to keep her property at 1329 Calhoun Street in a safe, and sanitary condition, making the necessary repairs, thereby constituting a hazard to safety and health by reason of inadequate maintenance, dilapidation, obsolescence , after repeated notices by the Housing Rehabilitation Official to do so

Against the form of statute in such case made and provided for, and against the peace and dignity of the State, and that Joe E. Winter and others are material witnesses for the State to prove said charge. The above information based on statement of facts made by Joe E. Winter

SWORN to before me this the 25th day of November, 1975.

Lawrence E. Fischer (L.S.)
Notary Public of South Carolina

Joe E. Winter

STATE OF SOUTH CAROLINA.
COUNTY OF RICHLAND.

By J. W. Britton Recorder and Ex-Officio Magistrate in and for the said County and the said State.

To any Lawful Constable:

Whereas, Complaint upon oath has been made by Joe E. Winter that at Columbia, S. C., in the County and State aforesaid, on the 9th day of October, 1974, and each day thereafter, one Annie Mary Timmons, owner of 208 Sims Avenue, Columbia, S.C., violated Sec. 103.2 of the Housing Code of The City of Columbia, S. C., as per affidavit below.

THESE ARE THEREFORE to command you to apprehend the said defendant and bring before me, to be dealt with according to law.

GIVEN under my hand and Seal, this day of November, 1975

(L. S.)
Recorder and Ex-Officio Magistrate

AFFIDAVIT

STATE OF SOUTH CAROLINA.
COUNTY OF RICHLAND.

PERSONALLY appeared before me, Lawrence E. Fischer Notary Public of S. C. of the said County and State Joe E. Winter who, being duly sworn, says that Annie Mary Timmons, 208 Sims Avenue in the city of Columbia, County and State aforesaid, on the 9th day of October, 1974, and each day thereafter, violated Sec. 103.2 of the Housing Code of The City of Columbia, S. C., in that she failed and refused to keep her property above listed in a safe and sanitary condition by making the necessary repairs, thereby constituting a hazard to safety and health by reason of inadequate maintenance, dilapidation, obsolescence, after repeated notices by the Housing Rehabiliation Official to do so.

Against the form of statute in such case made and provided for, and against the peace and dignity of the State, and that Joe E. Winter and others are material witnesses for the State to prove said charge. The above information based on statement of facts made by Joe E. Winter.

SWORN to before me this the 25th day of November 1975

Lawrence E. Fischer (L.S.)
Notary Public of South Carolina

Joe E. Winter

STATE OF SOUTH CAROLINA,
COUNTY OF RICHLAND.

By J. W. BUTLER Ministerial Recorder in and for the said County and the said State.

To any Lawful Constable:

Whereas, Complaint upon oath has been made by Joe E. Winter that at Columbia, S. C., in the County and State aforesaid on the October 14, 1974, and each day thereafter, one Annie Mary Timmons, 3107 Heyward St. and 3107 R. Heyward Street, Columbia, S.C., violated Sec. 103.2 of the Housing Code of The City of Columbia, as per affidavit below.

THESE ARE THEREFORE to command you to apprehend the said defendant and bring Anni Mary Timmons before me, to be dealt with according to law.

GIVEN under my hand and Seal, this day of November, 1975.

Ministerial Recorder (L.S.)

AFFIDAVIT

STATE OF SOUTH CAROLINA,
COUNTY OF RICHLAND.

PERSONALLY appeared before me, Lawrence E. Fischer Notary Public of S. C. of the said County and State Joe E. Winter who, being duly sworn, says that Annie Mary Timmons, 3107 Heyward St. and 3107 R. Heyward Street, in the city of Columbia, County and State aforesaid, on the 14th day of October, 1974, and each day thereafter, violated Sec. 103.2 of the Housing Code of The City of Columbia, in that she failed and refused to keep her property above listed in a safe and sanitary condition by making the necessary repairs thereto, thereby constituting a hazard to safety and health by reason of inadequate maintenance, dilapidation, obsolescene, after repeated notices by the Housing Rehabilitation Official to do so.

Against the form of statute in such case made and provided for, and against the peace and dignity of the State, and that Joe E. Winter and others are material witnesses for the State to prove said charge. The above information based on statement of facts made by Joe E. Winter.

SWORN to before me this the 25th day of November, 1975.

Lawrence E Fischer (L.S.)
Notary Public of South Carolina

Joe E. Winter

STATE OF SOUTH CAROLINA,
COUNTY OF RICHLAND.

By J. W. BUTLER Recorder and Ex-Officio Magistrate in and for the said County and the said State.

To any Lawful Constable:

Whereas, Complaint upon oath has been made by Joe E. Winter that at Columbia, S. C., in the County and State aforesaid, on the 9th day of October, 1974, and each day thereafter, one Annie Mary Timmons, 3100 Duncan Street, Columbia, S. C. violated Sec. 103.2 of the Housing Code of The City of Columbia, as per affidavit below.

THESE ARE THEREFORE to command you to apprehend the said defendant and bring Annie Mary Timmons before me, to be dealt with according to law.

GIVEN under my hand and Seal, this day of November, 1975.

Recorder and Ex-Officio Magistrate (L. S.)

AFFIDAVIT -

STATE OF SOUTH CAROLINA,
COUNTY OF RICHLAND.

PERSONALLY appeared before me, Lawrence E. Fischer Notary Public of S. C. of the said County and State Joe E. Winter who, being duly sworn, says that Annie Mary Timmons, 3100 Duncan St. in the city of Columbia, County and State aforesaid, on the 9th day of October, 1974, and each day thereafter, violated Sec. 103.2 of the Housing Code of The City of Columbia, in that she failed and refused to keep her property at 3100 Duncan Street in a safe and sanitary condition by making the necessary repairs, thereby constituting a hazard to safety and health by reason of inadequate maintenance, dilapidation, obsolescence, after repeated notices by the Housing Rehabiliation Official to do so.

Against the form of statute in such case made and provided for, and against the peace and dignity of the State, and that Joe E. Winter and others are material witnesses for the State to prove said charge. The above information based on statement of facts made by Joe E. Winter

SWORN to before me this the 25th day of November, 1975.

Lawrence E Fischer (L.S.)
Notary Public of South Carolina

Joe E. Winter

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND ORDER

dated Oct 7, 1974

THE CITY OF COLUMBIA

vs

ANNIE M. TIMMONS

Owner and/or Party in interest in the buildings or dwellings located at:

1329 Calhoun Street, Columbia, S. C.
2920 Devine Street, Columbia, S. C.
3100 Duncan Street, Columbia, S. C.
3107 Heyward Street, Columbia, S. C.
3107 (Rear) Heyward Street, Columbia, S. C.
3104 Monroe Street, Columbia, S.C.
208 Sims Avenue, Columbia, S. C.

TO - THE OWNER AND/OR PARTY IN INTEREST ABOVE NAMED:

An inspection of your properties located at: 1329 Calhoun Street, 2920 Devine Street, 3100 Duncan Street, 3107 Heyward Street, 3107 Rear Heyward Street, 3104 Monroe Street, and 208 Sims Avenue, Columbia, South Carolina on October 4, 1974 revealed that no attempt has been made to comply with the request of August 27, 1974.

It is therefore the findings of this office that these dwellings be repaired or removed before December 18, 1974, and the lots left in a clean and sanitary condition.

Failure to comply with this date of completion shall cause such dwellings to be removed or demolished by the Housing Rehabilitation Official's Office and the amount of the cost of such removal or demolition shall be a lien against the real property upon which such cost was incurred.

Columbia, S. C.
October 7, 1974

J. E. Winter
Housing Rehabilitation Official

CITY OF COLUMBIA
SOUTH CAROLINA

N REHABILITATION DIVISION
803-765-1041

CITY HALL
P. O. Box 147
29202

December 30, 1974

Ms. Annie M. Timmons
P. O. Box 978
Ft. Lauderdale, Fla. 33301

Dear Ms. Timmons:

At the Urban Rehabilitation Commission Hearing on December 30, 1974 the following decision was reached unanimously.

The buildings of Ms. Annie M. Timmons listed 1329 Calhoun Street, 2920 Devine Street, 3100 Duncan Street, 3107 Heyward Street, 3107 Rear Heyward Street, 3104 Monroe Street, and 208 Sims Avenue were found to be a violation of provisions of the Minimum Standard Housing Code and that the buildings as listed above be demolished by the City of Columbia. The amount of the cost of such removal or demolition shall be a lien against the real property upon which such cost was incurred.

Sincerely,

Joe E. Winter
Joe E. Winter,
Secretary Urban Rehabilitation
Commission

JEW/vas

cc J. Wesley Drawdy, Attorney
Roy D. Bates, Attorney

Urban Rehab - Hearing Dec 30 decision to demolish

Mr. Gallo not a Florida attorney

EXHIBIT H

THE FLORIDA BAR

MIAMI OFFICE

SUITE M-103 RIVERGATE PLAZA
444 BRICKELL AVENUE
MIAMI, FLORIDA 33131
TELEPHONE 305/377-4445

PAUL A. GROSS
ASSISTANT STAFF COUNSEL

January 29, 1975

Mrs. Annie Mary Timmons
401 N. E. Third Avenue
Fort Lauderdale, Florida 33301

Dear Mrs. Timmons:

There is currently no John McGrath licensed to practice law in Florida. Accordingly, your case is being forwarded to our Unauthorized Practice of Law Committee. You will be hearing from them shortly.

For your protection, you should obtain legal advice from a licensed attorney as soon as possible.

Very truly yours,

Paul A. Gross

PAUL A. GROSS

PAG:md
Honorable R. Layton Mank
Chairman Unauthorized Practice of Law committee
First Federal Building
100 N. E. First Avenue
Miami, Florida 33132

25 FLW 2480

EXHIBIT G

UNAUTHORIZED PRACTICE—

Wisconsin attorney who was not licensed to practice in Illinois at time he rendered legal services there on behalf of Illinois clients engaged in unauthorized practice of law and is not entitled to receive $65,000 fee that clients agreed to pay him for representing them.

The Illinois clients agreed in a letter to pay the Wisconsin attorney $65,000 for legal fees rendered on their behalf in connection with the purchase of real estate. The attorney now brings suit to collect his fee. He does not deny that he was only licensed to practice law in Wisconsin at the time he rendered legal services on behalf of his Illinois clients. The attorney contends, however, that if an attorney who is licensed in another state, but not in Illinois, collaborates with an Illinois attorney in providing legal services in this State, he can recover compensation for his services.

The evidence shows that the attorney actively participated in negotiations leading to the signing of a real estate contract and that he gave legal advice to his clients. It seems clear that he engaged in the practice of law in Illinois. It is for this court to determine who shall be permitted to practice law in Illinois. At the time the attorney was retained by his clients herein our Rule 707 made it possible for an attorney not admitted to practice in Illinois to take part in court proceedings.

There was no litigation here, and the attorney, of course, did not come within this rule. It is clear, however, that the attorney did engage in the unauthorized practice of law and cannot recover attorney fees. There is a statutory prohibition against the allowance of legal fees for persons other than licensed attorneys. Ill. Rev. Stat. 1969, ch. 13, par. 1 provides: "No person shall be permitted to practice as an attorney or counselor at law within this State without having previously obtained a license for that purpose from the Supreme Court of this State. No person shall receive any compensation directly or indirectly for any legal services other than a regularly licensed attorney."

In support of his position the attorney cites Mock v. Higgins, 3 Ill. App. 2d 281, and Dorf v. Relles, 355 F.2d 488 (CA 7 1966). Both of these decisions are distinguishable, for they involve matters that were before trial courts and the participation by out-of-state attorneys was within Rule 707. We would observe that the dictim in Mock to the apparent effect that an attorney licensed in one jurisdiction may, without more, practice in another, is erroneously overbroad.

We do not mean in our holding today to have it understood that there can never be circumstances that will allow an out-of-state attorney who is not within Rule 707 to recover for legal services. We recognize that there are transactions involving parties and attorneys from more than one state which would require a result different from today's holding.—Ward, J.

—Ill SupCt; Lozoff v. Shore Heights, Ltd., 4/5/77.

I saw this July 22, 1975 -
A special investigator got it from the Court House
in Columbia -

Exhibit # 5

GRAYDON & SUBER / attorneys and counselors at law

Augustus T. Graydon (1890-1942)
Augustus T. Graydon
Shell Suber, Jr.
Graydon McCrorey, of Counsel

1223 Washington Street
Columbia, South Carolina 29201
Area Code 803
Telephone 254-2744

September 16, 1970

Mr. John R. T. Major
Clerk of Court, Richland County
Richland County Courthouse
Columbia, S. C.

Re: Judgment Roll 74394
Annie Mary Timmons v.
Tricentennial

Dear Mr. Major:

I call your attention to the fact that a Judgment has been obtained by Robert F. Fowlkes & Company, Plaintiffs, against Annie Mary Timmons for $10,000 and the same has been entered in Judgment Roll ~~74394~~ 74 394.

In my opinion you should obtain an order of Court before making any disbursements to her out of the $325,000 on deposit in Court.

I also enclose an affidavit from The State Printing Company as to sums owed to it by Miss Timmons for the printing of the Record in her appeal to the South Carolina Supreme Court.

I also will tax certain costs against the fund for sums expended on appeals instituted by Miss Timmons.

Sincerely,

Augustus T. Graydon

ATG:sh
Enc.

Tri says:
It is OK to pay off false Claims to creditors, but don't make any disbursements to her out of her money.
The owner is the only one who must not receive any money for her life's work - And that was exactly what happened.

S. C. Tax Commission
Form 1505

From SC Tax Commission file

SOUTH CAROLINA TAX COMMISSION
CLAIM FOR REFUND

(Do Not Write in This Space) (Do Not Write in This Space)

File No.

Kind of Tax

Amount of Refund $

County

Tax Paid $ C.B.L.

State of South Carolina

County of Richland

Name of Taxpayer Annie Mary Timmons

Street and Number Box 978

Postoffice Fort Lauderdale, Florida

Deponent being duly sworn according to law deposes and says that this statement is made on behalf of the taxpayer named and that the facts given are true and complete.

Refund of Income Tax Paid on income for the period ended December 31, 19 70 is asked in the amount of $ 11,578.48 for the following reasons:

(1) I do not owe any income tax for 1970* because my gross income was $14,600 and my operating expenses amounted to $47,704.50, resulting in a loss of $33,104.50 without taking into account depreciation, losses, and personal exemption (see Additional Information #1).

(2) The Tax Commission collected taxes not owed by me, without my knowledge and consent, when my address and phone no. were well known generally (see Additional Information #2), thereby depriving me of the opportunity to defend my rights but at the same time offering me a chance for recovery through this appeal to you.

(3) The Tax Commission accepted money that was obviously paid erroneously, making the granting of refund necessary as the only means of justice for this taxpayer. I rest my case.

* I concur with statements of fact in Additional Information included herewith and also with those in my letter to you of Jan. 8, 1974, (except that the loss is $2250. more than the letter states, as shown on the corrected attached copy), and hereby incorporate these two writings as part of this claim.

Sworn to and subscribed before me
this 28 day of February, 1974
Notary Public State of Florida at Large
My Commission Expires Jan. 6, 1977
Bonded by Agents Fire & Casualty Co. (L.S.)

Annie Mary Timmons

This claim must be SIGNED and SWORN to.
File with the South Carolina Tax Commission at Columbia, S. C.
Report

ADDITIONAL INFORMATION

#1. By consideration of only the 2 items of income and operating expenses without depreciation, tremendous losses by reason of fire, larceny, vandalism, burglary and bad debts, and without personal exemption I can substantiate a loss of $33,104.50 for 1970 as follows:

Expenses		Income	
Telephone	$ 401.90	Laurel	
Elec. and Gas	2,023.94	Bldg. I	$ 4965.
Water	779.15	Bldg. II	1530.
Advertising	216.24	Bldg. III	3365.
Misc. Items	401.04	Bldg. I	505.
Fuel Oil	87.89	3104 Monroe	935.
Grounds	2,247.50	Restaurant U.S. 1	1400.
Automobile	1,324.41	Club U.S. 1	1900.
Property taxes	4,051.37		
Legal	20,364.00	Total. .	$14,600
Insurance	1,360.61		
Repairs	9,100.90		
Misc. tax	67.00		
Interest	5,278.33		
Total. . .	$47,704.50	$47,704.50	
		- 14,600.00	
		Loss: $33,104.50	

#2. People generally knew my address and anyone could have ascertained it by asking such institutions as the Circuit Court in the person of Judge Grimball, who was kept apprised of my address and phone number at all times, the County Court in the person of Judge Mason, the Richland County Clerk of Court, The C and S Bank, Bankers Trust of S.C., Richland County Treasurer, Tax Assessor's Office, Insurance Companies, State Highway Dept., the S.C. Electric and Gas Co., the City of Columbia, S. C., etc., and such individuals as V. J. Smyrl, who accepted my mail until I could get a somewhat permanent address in Florida and between address changes, and Edgar Lucas, known generally as guard and caretaker for all my properties and physically on the properties most of the time, and myriads of other individuals and institutions

STATE OF SOUTH CAROLINA

Office Of State Treasurer

07-22
332

TAX COMMISSION

No 1980678

ORGANIZATION NO | ACCT | FUND | SUB-FUND | AMOUNT
1010000301100 | 4869 | 47099 | 0404022 | 3,929.15

PAY TO THE ORDER OF
ANNIE M TIMMONS
BOX 578
FT LAUDERDALE FLA 33301

PAY $3,929.15

CONTINGENCIES ACCOUNT
THE SOUTH CAROLINA NATIONAL BANK
COLUMBIA, S. C.

⑈1980678⑈ ⑆053200320⑆ 32⑈3304378⑈

Received under protest.
Will make amended
return for balance
shortly due.
Thank You
Annie M Timmons

STATE OF SOUTH CAROLINA

INDIVIDUAL INCOME TAX RETURN

FORM 1001

1970

Do not write in this space

For the year 1970 or fiscal year beginning Jan 1 1970 ending Dec 31 1970

PLEASE ANSWER ALL QUESTIONS

Anna Mary Timmons

1620 Laurel St

Columbia Richland SC 29201

(City or town) (County) (State) (Zip Code)

Wife's Occupation

1. Were you a legal resident of South Carolina for the entire year 1970? Yes ☒ No ☐
2. If answer to question 1 is "No", see instructions AC, ISF and ISE
3. Did you file a return with the South Carolina Tax Commission for 1969? Yes ☒ No ☐
4. If "No", why?
5. Were you married and living with spouse during your taxable period? Yes ☐ No ☒
6. PRESENT EMPLOYER (Yourself)
7. PRESENT EMPLOYER (Spouse)

S

8. FILING STATUS (Check One Only)
a. ☐ Single (Use Column B)
b. ☐ Married filing jointly — The names of both husband and wife must appear above. Use Column B.
c. ☐ Married filing separately on this combined form. Use Columns A and B.
d. ☐ Unmarried head of household (Use Column B)
e. ☐ Married filing separate returns. Enter name of spouse as it appears on separate return. Use Column B.

9. EXEMPTIONS

	Regular	65 or Over	Blind	Head of Household
a. Exemptions for YOURSELF	☒	☐	☐	☐
b. Exemptions for SPOUSE	☐	☐	☐	

Enter number of boxes checked: 2

c. Exemptions for your dependents (See page 2)

Enter number of dependents listed in other boxes

d. Number of other dependents as shown on Schedule D, page 2

e. TOTAL EXEMPTIONS CLAIMED (Enter here only if filing JOINT or SINGLE. If SEPARATELY enter here and on line 9 f) 2

f. If filing SEPARATELY on this combined form, each taxpayer on Line 9 e) and 9 b) must claim his or her exemption, and those dependents for which they furnished chief support. (See inst.) ENTER EXEMPTIONS CLAIMED BY: a) WIFE b) HUSBAND

Check boxes which apply.

A COMBINED HUSBAND AND WIFE, SEPARATE, JOINT OR SINGLE RETURN	A. Wife	B. Husband, Joint or Single
10. Salary, Wages, Commissions, Etc.	10.	
11. Less: Employee Business Expense (Attach Schedule)	11.	
TOTAL		
12. Income from Business or Profession (Schedule A) Gross Rentals	12.	18,600 00
13. Farm Income (Schedule C)	13.	
14. Profit from sale or exchange of real estate, rents, royalties, pensions, Etc. (Schedule B)	14.	
15. Dividends, Interest (Schedule D, Page 2)	15.	
16. Total — This is your ADJUSTED GROSS INCOME	16.	See distribution 3,463,530 97
17. If CLAIMING OPTIONAL STANDARD DEDUCTIONS, PLEASE CHECK ☐ Husband, Wife or Both and enter 10% of Line 16 or $1,000 whichever is less. Enter on Line 17	17.	3,463,530 97
18. Net Income — Line 16 minus Line 17	18.	3,449,230 97
19. Personal Exemptions (Total Exemptions shown on Line 9 f)	19.	
20. Balance of Net Income subject to Tax. Line 18 minus Line 19	20.	
21. Enter tax from TAX COMPUTATION TABLE on Page 4 of instructions	21.	None
22. Total of Columns A plus B Line 21 — This is your COMBINED TAX LIABILITY	22.	
23. Less: TAX CREDITS for income taxes paid to other states (See instructions)	23.	
24. TAX WITHHELD as shown on attached forms TW2	24.	
25. ESTIMATED SOUTH CAROLINA INCOME TAX PAYMENTS FOR THE YEAR 1970	25.	
BALANCE DUE		
REFUND		

Securities, sources and information on Pages Gross

ATTACH TW2 FORMS HERE

DO NOT SEND CASH THROUGH THE MAIL

MAKE CHECKS PAYABLE TO S. C. TAX COMMISSION

MAIL TO: S. C. TAX COMMISSION - INDIVIDUAL INCOME TAX DIV., BOX 125, COLUMBIA, S. C. 29200

Anna Mary Timmons — April 12, 1971

(Signature of taxpayer) (Date)

324

(Signature of preparer other than taxpayer) (Date)

BEST COPY AVAILABLE

Aug. 31, 1974

Many reports threatening the owner and her properties follow this one.

The State

By Washington, Piedmont, Pee Dee and West Carolina Bureaus

Columbia, S.C., Saturday, August 31, 1974 · Page One

City Officials Are Seeking Mrs. Timmons

By MARGARET N. O'SHEA
Metro Staff Writer

Columbia officials have some good news and some bad news for Annie M. Timmons — if they ever find her.

The good news is a $200,000 check, court settlement for a condemned apartment building owned by Mrs. Timmons and demolished by the city in 1970 to make way for a state Tricentennial exhibit next to the Hampton-Preston House on Laurel Street.

1971 long after the Tricentennial was over

And now the bad news — the Urban Rehabilitation Division of City Hall is prepared to tear down buildings on seven other lots Mrs. Timmons owns if she doesn't repair them. All of the buildings are vacant and have been declared unfit for human habitation by the city.

Reps would have been made Sunday, 1971 to move her from the white to the black district

Mrs. Timmons, thought to be somewhere in Florida, has declined to repair the properties or pick up the settlement check pending outcome of a $21 million suit against the city over the 1970 condemnation.

The search for Mrs. Timmons has spilled over into newspaper advertisements as part of a campaign to find absentee owners of substandard housing in Columbia. Her substandard properties include Miracle Apartments No. Two at 2920 Devine Street, a fire-damaged dwelling at 1229 Calhoun, and in Shandon structures at 2100 Duncan, 2104 Monroe, 208 Sims and the front and rear of 2107 Heyward.

Every News Story had a slear against me. All people interested, the Court first, were kept apprised of my address and phone no. at all times. This is more fault publicity to keep my false image created by the Tr. in the public mind.

The Apt. bldgs. could not be rented after Laurel St. fire., gas, light, water, and storage rooms forced out of Laurel Complex were pleased in these bldgs under pressure. Because the owner could get no help for relocation or anything as guaranteed by the Federal and State Governments. The City was informed that the bldgs. would not be rented until the storage could be placed elsewhere and then that tenants upon their income vacating would be made ready to fit code requirements.

As a result of the planned (in my opinion) sabotage of the bldgs. during my absence the bldgs. would necessarily be in bad shape now, and I sincerely hope they are still filled with the valuables storage from the Laurel St. Complex.

I have heard that fire damaged 5 of the bldgs. and in many opinions these fires were set to destroy the because of my continued attempts to have the injustice of the illegal and fraudulent condemnation of the Laurel St. property.

* They were deliberately burned and sabotaged and she was continually refused Bldg permits to repair her bldgs in order that they appear justifiably condemned.

325

Genanne J. Doughty
917 Osage Ave.
West Columbia, S. C. 29169

January 31, 1976

Mr. Claude N. Scarborough, Jr.
1514 Tanglewood Road
Columbia, S. C. 29205

Dear Mr. Scarborough:

You probably do not remember me but I was Tom Bagnal's secretary a few years ago when you renovated your lovely home. I appreciated the stand you took for the little people of this state in your TV announcement this week. If you are really serious about this you should look into some of the things that the legal profession is doing to and not for the little people of this very city we like to call "The All American City". While we were prowdly displaying this sign around town look what this "All American City: was doing to one of its citizens. These letters are being circulated around the country by interested friends of this dear sweet lady. Or at least I hope this is the case and not just another trick by those individuals who have been responsible for ruining her health, reputation and life. She was a next door neighbor of my Mother and Grandmother before my parents were married in 1925 and they have remained close friends all these years. She is one of the finest, sweetest, and most generous individuals I have ever met and there are lots of fine, "little", powerless people in this city who feel the same way about her. She is greatly admired by many, many people from all walks of life who are powerless to help her. Everyone who has known her these many years has loved and admired her so very much.

Some of the facts are these: She was awarded $325,000.00 by the court for the property in the 1700 block of Laurel Street which was confiscated under "condemnation without compensation" by the Tri Centennial fraud. This was for the property (land) alone. Our "All American City" condemned her apartment buildings and her brand new restaurant without just cause. The buildings were torn down and the furnishings, her personal belongings as well as the new restaurant and all of its expensive new furnishings were subsequently destroyed while she was at the point of death in another state from extremely high blood pressure, had two light strokes, severe anemia and has since had major surgery for cancer. In the meantime, greedy lawyers, bankers, people interested in real estate and others filed unjust claims against the money in escrow for her and most of this money was paid out by the court unjustly leaving just claims unpaid and leans have been filed against her remaining properties leaving her penniless, alone, and in very bad health still. I am giving her a bed which was recently vacated by my 81 year old Mother in a rest home and food and the use of a telephone because her life has been threatened in the City of Columbia since she finally got well enough to return to Columbia to see what she could salvage of her personal belongings and property.

The State and Record printed false stories that she had "disappeared and the courts could not find her to pay her this 'fabulous amount of money which was so generously awarded her by the courts '". In truth the courts had her address, telephone number and Post Office box all along while she was calling them almost daily all this time when she was able to speak. Large numbers of people including all of the people involved in the perpetration of this fraud had her address and knew of

her physical condition. I, myself, went to Charles Wickenberg of the State and asked him as a former student of hers which he was, to try to help her in this situation or at least to try to see to it that The State and Record at least check their facts before they printed any more damaging lies about her. He explained to me that these were very powerfull people andthat the State could not afford to help protect her rights and therefore there was nothing he could do about it as much as he loved, respected, and admired her as a person. The did not have a $40,000.00 per year income, the fact was she had been robbed of the right to earn any income, to hire someont to stop this slander and probably could not have gotten any lawyer to take her side against the power of the State for any price. Therefore her right to "Freedom of Speech" was denied. She couldn't even protect herself against the so called "Freedom of the Press". As a direct result of this her property was destroyed while the police looked the other way. Five of the seven buildings left in her name have been burned and the fire and police department have made no effort to notify and used the excuse that "nobody knows how to reach her. She had disappeared, according to the papers". All of her personal belongings and furnishings for all of the buildings she owns have been looted and stolen and the buildings themselves nave been vandalized and rendered useless while the City Police say "according to the papers she has disappeared and nobody knows where she is anyway". At the same time she was falsely arrested by the City Police during the time a jury was deliberating in a trial against one very crooked out of state lawyer who filed a terribly unjust claim against her escrow account. Her evidence against this man was not allowed to be heard by Judge Grimball who is holding her money anyway and according to my way of thinking should have disqualified himself in hearing this case under the circumstances. She lost the case because of these two things and is now faced with the astronomical costs of an appeal after her lawyer requested to be excused from the case and the only legal council she could obtain at the last minute was a black lawyer who knew nothing of the case and just felt sorry for her. This is the kind of thing that people who have been robbed of the right to own property and earn a living are subjected to in our "All American City".

Mr. Scarborough, isn't there something that the State Bar can do to protect these people from abuse from the legal profession and others? This is a terrible thing and has made hundreds of property ownerswho know about this fearfull of their very lives. They feel that if this could happen to this sweet lady it could certainly happen to any one of them. Now my life and probably the lives and security of my family are at stake because I feel that I have to do what I can to help get protection for her. She cannot get a permit to repair the property because of unjust condemnation of the buildings and she cannot get the condemnation removed until she repairs the buildings. What is the answer to a bad situation like this.

Sincerely,

Genanne

Genanne J. Doughty

cc: Capt. Snipes, Columbia Police Department
cc: Honorable John Campbell, Mayor of The City Of Columbia
cc: Honorable Floyd D. Spence, 5th District Congressman
cc: Honorable Ernest F. Hollings, Junior Senator of South Carolina
cc: Honorable Strom Thurmond, Senior Senator of South Carolina
cc: Honorable James Edwards, Governor of South Carolina

2213 Rosewood Dr.
Columbia, S.C., 29205
May 31st, 1973

To whom it may concern:

Greetings in the name of Jesus Christ our Lord.

This writer does attest that the following is true, written on behalf of Mrs Annie Mary Simmons and for the express purpose that this may in some manner help her to hold on to her property and establish the fact that she has tried to fix and or repair her property but

has been denied the right to do so by the City of Columbia by them refusal to issue a permit for the work.

In late October and early November of 1972, I tried to obtain a building permit to repair or paint or in some manner improve each of Mrs Simmons properties except where I thought that the work on a particular property would be better done later. I was soon

instance I found that I was either refused for no apparent reason or that recent laws had been passed against her particular situation or that recent zoning ordinances where her property is located had been changed in her disfavor. She had been denied the right to fix up her property by the city requiring to issue a building permit to paint or repair her property before the laws were passed, during the waiting period for them to go into effect, and after they were in effect.

Because of the City's attitude on this property and against what Evangelism which in itself is not unlawful, this writer was unable to give her assistance in repairing her property, which he (we) going to do without charge as a servant of Christ.

Please accept the above true statement on behalf of Mrs Timmons from a preacher and minister of our Lord and Savior Jesus Christ.

Sincerely,
Abraham Singleton Jr.

Exhibit 10

Department of the Treasury
Internal Revenue Service Center

12-19-73

Date of This Notice
DEC. 10, 1973
Identifying Number
248-54-6752
Document Locator Number
57247-315-05011-3
Form Number | Tax Period
1040 | DEC. 31, 1970

If you inquire about your account, please refer to these numbers or attach a copy of this notice.

22 "54 CHAMBLEE, GA 30006

AR 248546752 30 7012 670 5905

ANNIE M TIMMONS
BOX 978
FT LAUDERDALE FL 33302

RECEIVED
DEC 19 1973
SCSC IRS
NO. 30

STATEMENT OF ADJUSTMENT TO YOUR ACCOUNT

BALANCE DUE ON ACCOUNT BEFORE ADJUSTMENT	$.00
ADJUSTMENT COMPUTATION	
TAX- INCREASE	55,678.32
INTEREST CHARGE	8,858.95
NET ADJUSTMENT CHARGE	64,537.27
BALANCE DUE	$64,537.27

RECEIVED
DEC 19 1973
SCSC IRS
NO. 30

K.M

The letters in the box at the left identify the statements on the back of this notice that provide further explanations and instructions.

Form 4168 (Rev. 10-71)

322

Department of the Treasury
Internal Revenue Service

Date of this Letter
02-25-7?
Identifying Number
248-54-6752 SS
Document Locator Number
57247-315-05011-3

503 107 5905

If you inquire about your account, please refer to these numbers or attach the copy of this letter

ANNIE M TIMMONS
BOX 978 401 NE 3RD AVE
FT LAUDERDALE, FL 33302

Dear Taxpayer:

We have previously written you asking for payment of the Federal tax identified below, but we have no record of receiving it. The tax is overdue and you should pay it within the next 10 days to avoid additional interest and penalty charges, and enforced collection action.

The law authorizes us to file a Federal tax lien and seize your property, wages, or other assets to satisfy your tax liability. To prevent this enforcement action, we urge you to send your payment promptly to the address below or contact your nearest Internal Revenue Service office.

Please make your check or money order payable to the Internal Revenue Service, show your social security or employer identification number on it, and send it to us with the copy of this letter to insure prompt and accurate credit.

If the total amount due as shown below is incorrect because of a recent payment or other adjustment, please send us any balance due, and explain on the back of this letter.

An envelope is enclosed for your convenience. Thank you for your cooperation.

Sincerely yours,

Director

Enclosures:
Copy of this letter
Envelope

Reply to:

INTERNAL REVENUE SERVICE
P.O. BOX 47704
DORAVILLE, GA 30340

Tax Form Number	1040
Tax Period Ended	12-31-70
Balance of Prior Assessment	$ .00
Late Payment Penalty	
Interest	3,640.75
Total Amount Due	$ 3,640.75

30-7012

323

Form 4639 (5-71)

Box 978
Ft. Lauderdale, Fla.
Dec. 13, 1973

Internal Revenue Service
Chamblee
Ga.

Re: Identifying = 248-54-6752
Location = 57247-315-05011-3

Dear Sirs:

I am amazed to receive a bill from you for any amount of money due for the year 1970, much less the $64,537.27 you state I owe as income tax, when my actual gross income for that year was $14,600. I had to fight very hard to get that much during the part of 1970 that my doors were open for rentals. Due to trickery, fraud, and persecution I was prevented from renting apartments at the time when all units were planned to be open for rent, and the tenants I already had were removed in some devious manner day after day until only a handful that could stand the gaff remained. They were forced out in October.

My income property consisting then of 163 furnished units and a restaurant in 5 beautiful buildings was seized by a Temporary Body dubbed the Tricentennial Commission and appointed for the purpose of planning some festivities for the so-called celebration during the year 1970. The Commission took my apt. project because it was near to an old house facing another street, which house the members chose as a last resort for the center of the celebration. I was right there until late in the year but never could find much, like so many others that tried, of educational or historical value. I could find no reason whatever for destroying my recently completed apartment project, the work and investment of a lifetime and living quarters for 163 families at a time when housing was drastically needed. My buildings were

demolished in 1971 after the entire celebration year of 1970, for which my property was condemned for parking, was over. The parking places already available were little used regularly and never to capacity. The Commission actually robbed me of my income property, my home, my means of living and my constitutional rights and then allegedly set aside as payment for same a small part of the value. I have never yet received compensation without a home or income and quite ill I made it to Florida the latter part of 1970.

Judge Grimball would not even pay the balances of 2 mortgages to the C & S Bank and the First Federal Building and Loan Association, the only legitimate debts I had but felt I couldn't pay after having been robbed of my income, after application by several of my lawyers, the C & S Bank lawyers, and the First Federal Building and Loan lawyers with my affidavit and approval. The Judge had consistently excused every lawyer I had ever hired on the false grounds that I had not paid them. He insisted that I had to be there personally. My last attempt to get any money, after the Judge wrote me to get a lawyer and not to write or wire him any more, was made to the Clerk of Court who, according to the newspapers was holding the money. I enclose herewith a copy of that letter to convince you that I have not been paid. Maybe the Judge paid some claims (they would have to be unquotifiable as I used only the 2 accounts referred to above) without my knowledge or permission, which he said definitely he would never do.

I have existed here in Florida for 3 years on a last loan and charity after a fashion. I became so anemic and weak that I was sent to the hospital in September as an emergency. The high blood pressure brought on by Tricentennial persecution and the serious anemia

together have just about finished me. The hospital bill remains unpaid. When my income was taken from me, I was forced to drop health insurance policies. I do not have help from anywhere. I tried to get social security payments at age 65 and thereafter but was refused. I could not get medicare without paying for it, and my income was stolen.

I received $14,600 income in 1970 as I stated in the first paragraph. Without the tremendous losses that year, without depreciation, without gifts, without personal exemption, sheer operating expenses amounted to $45,454.50. That shows a loss of $30,854.50 by consideration of only these 2 items.

I believe the bill you sent to me is the direct result of misinformation and misunderstanding. That is why I'm making this rather lengthy answer. I hope you will better understand the true situation now.

Please let me know that you have cancelled the bill you sent me, as I could not possibly owe anything for 1970. Even with your clearance I can exist only a few days more unless I get help from somewhere. I planned for years to make up for all the living I had to miss, while developing properly and working several jobs to earn on the business, just as soon as I could complete for sale or rental my entire apartment and restaurant complex. I planned for years to carry out certain plans and commitments even should the opportunity come very late in life. Instead of proper compensation I find that mere existence in my last years is quite doubtful. I'm not writing this as a sob story. I'm writing it because I still have hope that justice may be in existence somewhere.

Sincerely,
Annie Mary Timmons

Enc: 2

Statement of fact 1971

Happened in 1973

This story happened 20 months later in Jan. 1973

Recent Man 2-6 times 1971

Cole To Be Paid For Law Services

By ANNE MARSHALL
Record Staff Writer

One Columbia attorney seems to be getting closer to collecting legal fees due him for representing Miss Annie Mary Timmons in the now celebrated Tricentennial condemnation case.

Arthur T. Cole is to be granted $16,500 for his professional service.

Miss Timmons received a judgment of $325,000 for her Miracle Apartments complex on Laurel street after it was condemned for use as the garden area of the Hampton-Preston House.

Since the award was made, Miss Timmons has left the state and contact with her is virtually impossible.

She has never collected the $325,000 due her which has been turned over to Clerk of Court John T. R. Major.

An order from Judge John Grimball will allow the amount due Cole to be taken from funds held by Major.

The judge's order is one for publication in The Record of his judgment since a "diligent" search by Cole to find Miss Timmons to personally serve the legal notice has been to no avail.

Cole sent by registered mail certified copies of Judge Grimball's ruling to Miss Timmons at two Columbia addresses, one to Winston Salem, N. C., and one to Fort Lauderdale, Fla. All were returned marked "unclaimed."

The sheriffs' officers in these counties have been unable to serve the order on Miss Timmons.

Judge Grimball said that Cole "has exercised all due diligence, has gone to considerable trouble and expense and has exhausted all legal means known to him in order to effect personal service of the order for judgment on Miss Timmons."

Miss Timmons has 60 days to appear before Judge Grimball to explain why she will not accept the notice. If she does appear Judge Grimball may set aside this judgment and order a jury trial.

If she does not come forward within this time, Major is to pay to Cole the amount of the order with interest at the legal rate of 6 per cent from last March 31.

The newspaper reported a happening in May 1971 that didn't take place until Jan. 1973. The Commission forgot to notify the Newspaper that the final events suffered a little variation this time.

January 18, 1973 5-F

Grimball Orders $16,500 Payment To Attorney

Fifth Circuit Resident Judge John Grimball has ordered a payment of $16,500 plus interest to be paid Columbia attorney Arthur T. Cole for his representation in condemnation proceedings by the S.C. Tricentennial Commission.

Cole represented Annie Mary Timmons who owned Miracle Apartments on Laurel Street which was the center of legal action by the Tricentennial Commission.

During the proceedings, the court awarded Miss Timmons $325,000 which has been held by Richland County Clerk of Court John R. T. Major after she left the state and did not claim the money.

In ordering the payment to Cole, Judge Grimball said the judgment was "long overdue" and ordered the payment to include a six per cent interest annually from March 31, 1971.

The Treasurer's Attorney obviously forgot to inform the newspaper that one little detail or advanced information in the taking of the Timmons property suffered a slight change and didn't come True for several years.

The State

E — Columbia, S. C., Thursday, May 27, 1971

Order Lets Attorney Collect Unpaid Fee

Thurs May 27 1971

Fifth Circuit Judge John Grimball has issued an order to allow an attorney for Miss Annie Mary Timmons to collect his unpaid fee.

Arthur T. Cole was allowed to claim the $16,500 fee at a hearing about a month ago, but Grimball sent him out to find Miss Timmons before the payment could be finalized.

Grimball issued another order Wednesday, saying that since Cole could not find his former client, the payment could be made.

The money will come from $225,000 Miss Timmons received as compensation for her Miracle Apartments on Laurel Street, which was condemned by the S.C., Tricentennial Commission to make way for the Mid-Lands Tricentennial Exhibition.

During a prolonged court fight to keep her property, Miss Timmons had a number of attorneys who are now trying to collect their fees.

The money has been held in the keeping of Clerk of Court John R. T. Major since the jury returned the verdict because Miss Timmons left the state at that time. Repeated efforts to find her have failed.

The Commission Attorney wrote Mr. Gallo Concerning the matter when he looked up May 27, 1971 and read this story.

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GRAYDON & SUBER / ATTORNEYS AND COUNSELORS AT LAW

Clint T. Graydon (1900-1962)
Augustus T. Graydon
W. Jared Suber, Jr.

Karen Graydon McCrory, Of Counsel

1225 Washington Street
Columbia, South Carolina 29201
Area Code 803
Telephone 254-2754

May 27, 1971

Mr. John McGrath
1626 Fairhaven Place
Coconut Grove, Florida 33133

Re: Timmons Case

Dear Mr. McGrath:

Some mornings you get up and think that you have gone crazy: this was one of those mornings.

I was up at 6:30 and went out immediately to get the paper. I am sure you can imagine my consternation when I read the enclosed story.

Upon my arrival at the office, I immediately went to see Judge Grimball who assured me that no such order had been issued and that the story was in error.

In any event the Cole and Fowlkes matters are pending, but I think that Miss Timmons should get help here on these two matters. As you know the sale is Monday week, and I am sure Cole is pressing for disbursement.

I called the manager of the newspaper; we concluded that it was best to do nothing by way of retraction or correction. Such stories generally only add to the confusion.

Sincerely,

Augustus T. Graydon

ATG:da

CC: Mr. William F. Prioleau, Jr.
Barringer Building
Columbia, S. C.

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[The Attorney and Treasurer decided publication]

No Attorney In Court

$325,000 Involved Apr. 5, 1971

Timmon's Hearing Delay Denie

By ANNE MARSHALL
Record Staff Writer

Last minute efforts by Miss Annie Mary Timmons to halt dispersal of a portion of the $325,000 belonging to her as a condemnation award filed in the Richland County Court of Equity today.

Judge John Grimball ordered the hearing to proceed after reading a long telegram from Miss Timmons into the record.

The purpose of the hearing today was to disperse money from the fund held by Clerk of Court John R. T. Major to numerous creditors of Miss Timmons.

Judge Grimball said the money in custody of Major could not be dispersed without an order of the court and that Major had received numerous demands as the fund expected to exceed $68,500.

The wire from Miss Timmons was sent yesterday fmm Fort Lauderdale, Fla.

She left the state some six months ago and her creditors have submitted to the court numerous affidavits indicating that they have been unable to locate her.

In the wire Miss Timmons claimed to have learned only yesterday of this hearing. She said that she could not reach Columbia in time and that was necessary for her to undergo further medical tests.

Miss Timmons asked a 30-to-60-day delay which was rejected.

Miss Timmons said in the wire that she owed only a small mortgage and one small fee.

She said, "I have paid the attorneys for their good services and their had services."

She had no attorney in court today.

Columbia attorney Arthur Cole was instructed by Judge Grimball that he was entitled to $16,500 for representing her at the condemnation trial brought by the South Carolina Tricentennial Commission.

Judge Grimball told Co[le] that notice of legal service o[n] a law enforcements officer [or] a legal process server who [is] have to be receiving some [in]testing that Miss Timm[ons] had received a certified co[py] of the court order.

She will have 60 days fr[om] the date of service to contr[act] issuance of the order.

In the condemnation [in] Miss Timmons received $75,000 more than the co[m]mission had originally offe[red] for the Laurel street prope[rty] at the rear of the Hampt[on]-Preston House.

The major demand on

(Continued On Page 4-

(Continued From 1-C)

funds is from the Home Federal Savings and Loan Association for approximately $35,000 remaining unpaid on its mortgage on the five building apartment complex.

An appraiser, Robert F. Fowikes, requests about $10,000 and Richland County claims a tax bill of $1,400 is due.

The law firm of Easterling and Brantley have made a claim for $1,018.50 for its services and an attorney who represented Miss Timmons before the U. S. Supreme Court is requesting an unspecified amount in legal fees.

Another attorney Owens T. Coob Jr. claims costs of $299 and the Tricentennial Commission is seeking to have refunded $1,182.50 in costs.

The commission has taken possession of the condemned property and the buildings are now being razed. The area will be reconverted into a formal garden which will complete restoration of the Hampton-Preston House and grounds.

The area now consists of a full block bounded by Laurel, Henderson, Blanding and Pickens streets.

Record
Apr. 5, 1971
"no attorney in Court
Apr. 5"
I received notice of
this Court. I moved
the Judge in open
Court thereby precluding
one crooked Atty from
claiming that which
was alleged to the
prime - family, Hodges
At a later like hearing
I had to move this
Court again to
prevent Mr. Smith
from taking.

I need notice of this hearing the day before the hearing and moved for extension because of the impossibility of arriving in Columbia in time for Court. It was of course denied or a letter would be transferred, but my telegram stopped one thief

Despite my telegram and letters to the Court, the happenings at Court Apr. 5, and this attorneys report of same, the Court still allowed McGrath to represent me,

BEST COPY AVAILABLE

I saw this July 22, 1975 - a special injunction or ? to open the Court house in Columbia.

Exhibit # 5

MOSON & COBB / attorneys and counselors at law

T. C[illegible] (1930-1962)
[illegible]
[illegible], Jr.
Caroline McCrory, of Counsel

1225 Washington Street
Columbia, South Carolina 29201
Area Code 803
Telephone 254-2744

September 16, 1970

Mr. John R. T. Major
Clerk of Court, Richland County
Richland County Courthouse
Columbia, S. C.

Re: Judgment Roll 74394
Annie Mary Timmons v.
Tricentennial

Dear Mr. Major:

I call your attention to the fact that a Judgment has been obtained by Robert F. Fowikes & Company, Plaintiff, against Annie Mary Timmons for $10,000 and the same has been entered in Judgment Roll 74394.

In my opinion you should obtain an order of Court before making any disbursements to her out of the $325,000 on deposit in Court.

I also enclose an affidavit from The State Printing Company as to sums owed to it by Miss Timmons for the printing of the Record in her appeal to the South Carolina Supreme Court.

I also will tax certain costs against the fund for sums expended on appeals instituted by Miss Timmons.

Sincerely,

Augustus T. Graydon

ATG:sh
Enc.

Trissons:
It is OK to pay all proper claims to creditors, but don't make any disbursements to her out of her money. The owner is the only one who must not receive any money for her life's work.

MORTIMER F. SMITH
ATTORNEY AT LAW
BOX 88
CAYCE, SOUTH CAROLINA 29033
TELEPHONE 799-7459

March 9, 1977

William F. Able, Esquire
Attorney At Law
Box 6334
Columbia, South Carolina 29260

Re: First Federal Savings and Loan Association of Cayce -vs- Annie Mary Timmons

Dear Bill:

This is to confirm our recent telephone conversation concerning the payoff of the loan of Annie Mary Timmons with First Federal.

The payoff as of March 31, 1977 will be $21,267.71. As I stated to you, I will accept $1,000.00 attorney's fee plus my costs, which are $109.00.

During the month of April the per diem interest rate will be $4.72.

Since this matter has been pending so long, and there has been so much work involved, I feel that an attorney fee of $1,000.00 is a minimum. If the entire indebtedness, with my fee and costs are not paid within 10 days from the date of this letter, the fee offer is withdrawn.

This is to extend kindest personal regards.

Sincerely,

Mortimer F. Smith
Attorney for First Federal Savings
and Loan Association of Cayce

MFS/jlb

112

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND)

First Federal Savings and Loan Association of Cayce,

Plaintiff,

vs.

Annie Mary Timmons and the United States of America,

Defendant.

EXCEPTIONS TO MASTER'S REPORT

The above captioned Defendant excepts to the Masters Report of July 27, 1976, in the following particulars:

1. That the Master erred in Paragraph 6 in finding that the Defendant authorized and directed the disbursement of funds other than the application of these funds remaining in the hands of the Plaintiff to the Defendant's indebtedness on a monthly prorata basis.

2. That the Master erred in not finding that the reduced mortgage, assuming that the amounts were credited as found in No. 6, would have reduced the payments to the point that the Defendant was at no time in arrears.

3. That the Master erred in finding that the Defendant should make payments of each and every installment from December 1, 1974, to date.

4. That the Master erred in not finding and concluding that the mortgage was currently up to date and that the Defendant should commence mortgage payments according to the amounts and terms of the promissory note on and after September 1, 1976.

J. Wesley Drawdy
Attorney for Defendant

Columbia, South Carolina

August 4, 1976.

333

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

FILED
JUN 16 1977
MILLER C. FOSTER, JR., CLERK
COLUMBIA, S. C.

Annie Mary Timmons,

Plaintiff,

vs

Robert C. Andrews, D. Reese Williams, William R. Tuller, Grover C. Kirby, Charles H. Thomas, Joe E. Winter, John T. Campbell, and Graydon V. Olive,

Defendants.

Civil Action No. 74-2049

O R D E R

This matter is before the Court upon motion of J. Wesley Drawdy, Esquire, to be relieved as counsel for the plaintiff. The attorney alleges that he has been unable to obtain the cooperation of his client and has not been paid fees in this particular action. Mrs. Timmons has written a letter under date of May 28 to the attorney with a copy to the Clerk of Court denying or explaining the allegations made by Mr. Drawdy, but from the language of the letter it is obvious that the plaintiff and her attorney have certain irreconcilable differences, which will make it difficult if not impossible for the relationship of attorney and client to continue.

IT IS, THEREFORE, ORDERED that J. Wesley Drawdy be and he is hereby relieved as attorney for the plaintiff in this matter.

Since the filing of the petition to be relieved as counsel, mentioned in this Order, the defendants have filed a motion to dismiss upon the ground that the plaintiff has failed to prosecute the action.

The Court finds that such a dismissal at this time would be improper and unfair to the plaintiff in view of the differences between plaintiff and her prior attorney. However, this matter must proceed to trial without undue delay and plaintiff is directed to employ other counsel within 30 days from the date of this Order and have such counsel notify the Court and the opposing counsel of his appearance in the matter.

The motion to dismiss is denied, but such denial is without prejudice to defendants to renew such motion at some future date if they are so advised.

AND IT IS SO ORDERED.

ROBERT F. CHAPMAN
UNITED STATES DISTRICT JUDGE

June 15, 1977
Columbia, South Carolina

TRUE COPY
Test:
MILLER C. FOSTER, JR. CLERK
Deputy Clerk

zip 29202

OSTERMAN VAN SOVEN & CONDON M D P A

FLOYD A OSTERMAN M D
RICHARD A MILLS M D
JOHN VAN SOVEN M D
JOSEPH V CONDON M D

INTERNAL MEDICINE

AMERICAN NATIONAL BANK BUILDING
1415 EAST SUNRISE BOULEVARD
FORT LAUDERDALE, FLORIDA 33304
TELEPHONE 764-5531

March 19, 1974

To Whom it May Concern:

This is to certify that Annie M. Timmons is under my care, and is totally and permanently disabled, due to chronic anemia.

Joseph V. Condon, M.D.
Joseph V. Condon, M.D.

FLOYD A. OSTERMAN, M. D.
RICHARD A. MILLS, M. D.
JOHN VAN SOVEN, M. D.
JOSEPH V. CONDON, M. D.

AMERICAN NATIONAL BANK BUILDING
1415 EAST SUNRISE BOULEVARD
FORT LAUDERDALE, FLORIDA 33304
523-3431

September 6, 1973

To Whom it may concern.

This is to certify that Annie Mary Timmons was examined by me. She was hospitalized at Broward General Medical Center from 8-19-73 to 8-25-73. She was found to have a severe iron deficiency anemia. She is still under treatment for this condition

Joseph V. Condon M.D.

L UBER LUMPKIN, M. D.
818 EAST LAS OLAS BOULEVARD
FORT LAUDERDALE, FLORIDA

18 September 75

this one called "Eee
Verable"

TO WHOM IT MAY CONCERN:

Due to physical incapacities including high blood pressure, dizziness, anemia and a topical dermatitis for which she is being treated, Mrs. Annie Timmons is advised not to make any long trips.

Sincerely,

L. U. Lumpkin M.D.

LUL/ed

L UBER LUMPKIN, M. D.
818 EAST LAS OLAS BOULEVARD
FORT LAUDERDALE, FLORIDA

23 September 75

Also one called
Very Strong"

To whom it may concern:

Upon request of the patient Annie May Timmons for a fuller statement as to her condition I submit the following information.

At this stage of her recovery, due to dizziness, anemia, fluctuation of blood pressure and changes in eyesight, to travel or undergo strain of any kind may jeopardize her health and endanger her life.

Sincerely,

L. U. Lumpkin M.D.

LUL/ed

North Carolina Baptist Hospital
WINSTON-SALEM, NORTH CAROLINA 27103
PHONE 725-7251

October 20, 1970

Mr. Gerard Hartzog
Attorney and Counselor at Law
714 Southern Building
Washington, D. C.

Re: Annie Mae Timmons
Hospital No 51 63 20

Dear Mr. Hartzog:

The above captioned patient was seen in the General Medical Clinic of the North Carolina Baptist Hospital on October 16, 1970, on a follow-up visit. The patient was first seen in the clinic on October 9, 1970, at which time she underwent a complete history and physical examination.

It was the examining physician's impression that the patient had hypertension of undetermined etiology, and appropriate studies were ordered to determine the cause. The possibility of hypertensive encephalopathy, transient ischemic attacks (cerebrovascular accident), labrinthitis was raised. It was also felt that the patient suffers from generalized, moderately severe atherosclerotic vascular disease, chronic bronchitis, and hiatal hernia.

She was also seen in the Emergency Room of this institution on 9/17/70, complaining of dizziness. It was the examining physician's impression that the patient was having symptoms secondary to hypertension, and Phenobarbital was prescribed. Arrangements were made at that time for the patient to be further evaluated in the clinic.

At the present time she is undergoing a diagnostic work-up to ascertain the possible cause of her elevated blood pressure.

Because of the patient's symptoms of dizziness and headache, it is my professional opinion that this patient is not medically capable of undergoing a stressful proceeding.

Very sincerely yours,

Amon L. Funderburk, M. D.
Resident in Internal Medicine
North Carolina Baptist Hospital

ALF:ab

NOTICE OF HEARING ON MOTION TO BE HEARD AS COUNSEL D.C. Form No. 4 (Rev. 7-1-71)

United States District Court

FOR THE

DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

ANNIE M. SAUNDERS

v

SECRETARY OF HEALTH, EDUCATION AND WELFARE

C/A No. 76-1882

TAKE NOTICE that the above-entitled case has been set for HEARING at Florence, S. C., on Friday, March 4, 19 77, at 10:30 A.M. in the United States Courthouse, 400 West Evans Street, Florence, S. C.

Date Feb. 14, 19 77

MILLER C. FOSTER, JR., Clerk.

By Charlotte Lienlokken, Deputy Clerk.

To Honorable Sol Blatt, Jr.
Doreen Greenstein, Court Reporter
Pam Reid, Deputy Clerk
Columbia Clerk's Office

Mrs. Annie M. Saunders
3104 Monroe St.
Columbia, S. C.

J. Wesley Drawdy, Esquire
P. O. Box 1413d
Columbia, S. C. 29202

Mistar D. Stuckey
Assistant U. S. Atty
151 U. S. Courthouse
Columbia, S. C. 29201

765-5516

South Carolina
State Highway Department
Columbia
Form C03 (Rev. 9-1-64)

TRACT

The State of South Carolina
COUNTY OF Lexington
ROUTE NO. 2

RESOLUTION
OF
BOARD OF CONDEMNATION

SOUTH CAROLINA STATE HIGHWAY DEPARTMENT

vs.

Mrs. Annie M. Timmons, & Guy T. Saunders, 2920 Devine Street, Columbia, S.C.
Citizens and Southern National Bank, Mortgagee, Columbia, S.C.

Copy to: Mr. J. D. McIlrath, 1825 Fairhaven Place, Coconut Grove, Fla. 33133
Mr. Ralph Garris, Attorney at Law, P. O. Box 11452, Columbia, South Carolina 29211

After due notice served upon the above-named person, firm or corporation that a right-of-way would be condemned for the construction of DESIGNATE File No. 32.567 — Project A-567 between Survey Stations 141+33.9 and 149+03, Right. (As described in Notice of Condemnation dated September 21, 1971.) and compensation fixed and damages assessed therefor and after full hearing of all testimony and arguments and careful consideration of all questions involved.

Be it Resolved by this Board of Condemnation that, after taking into consideration the benefits accruing to the landowner by the construction or improvement of the highway, the value of the lands being taken together with any special damages occasioned by the construction or improvement of the highway and deducting the total value of the benefits from the total value of the damages in accordance with the statutes, the members of this Board find that the damage exceeds the benefit and we therefore make an award of Three Thousand and No/100 Dollars ($3,000.00) for approximately 9,612 square feet of land, the portion of the porch and all improvements within the right of way and all damages.

The portion of the porch and all improvements within the right of way become the property of the State Highway Department to remove or dispose of at its discretion.

Changed to 6,845.00

Any appeal by the landowner from this Award shall be served by mail or otherwise upon the Department within twenty days after the receipt of this Resolution in accordance with the provisions of Section 33-139.

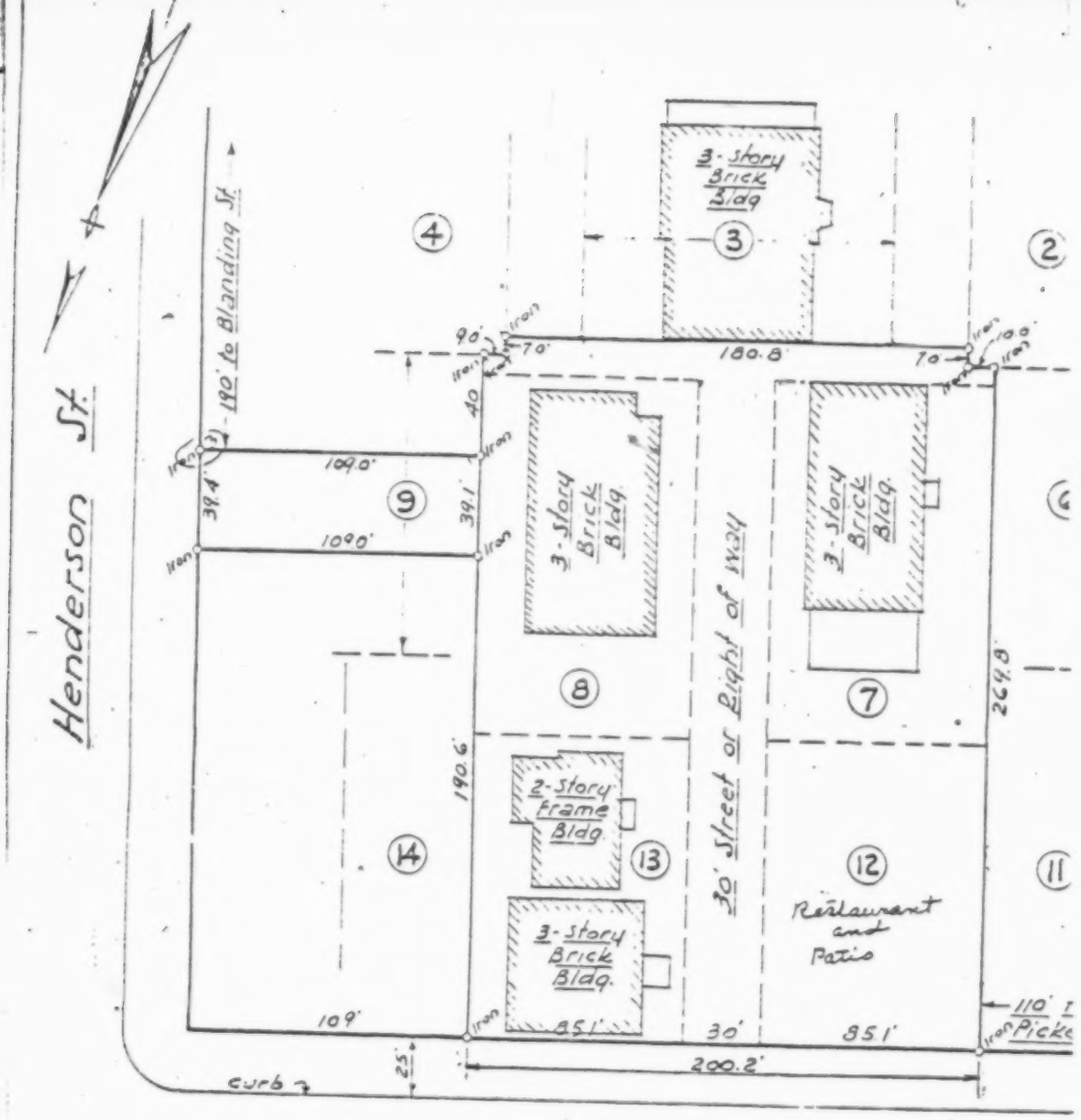
Signed by the Board of Condemnation at Lexington, S. C.,

this 8th day of October, 19 71

A. E. Calhoun, Chairman

A. E. Taylor, Member

J. S. Mitchell, Member



Plat of Property of
Miss Annie Mary Timmons
Columbia, S.C.
Scale: 1"=50'
Tomlinson Engr. Co. Columbia S.C. Aug. 18. 1947

The State Dec 20, 1969

FURNISHED APTS. FOR RENT

The State Dec 20 1969

More than 100 apts. available to desirable tenants at 1620 Laurel St. All furnish heat and hot water, some gas and lights also; charming small restaurant on the property serving delicious food at low prices to the general public and residents of 1620 Laurel who care to eat out; excellent food store in sight of apts. and an all-night drug and food center a few steps away; Main St. shopping centers 4 blocks from Miracle Apts. Apply 1620 Laurel St. Phone 254-8695

Long before and after this Ad bad publicity killed all possible business. From Feb 1968 until about Oct. 1970 there was an hourly decline in business under the existing conditions. People were clamoring for apartments but were afraid to rent Those already living there were pushed out by disgraceful methods.

Fraudulent Attempt to Take Remaining Properties

After swearing off the case in three-longued statements sprinkled with oaths at the end of the year 1971 and after my timely telegram to the Court had already prevented him in 1971 from seizing the funds allegedly set aside for me (to the Jury's displeasure), he reappeared with a lis pendis for 75,000 in July 1972 and again with an attachment for 100,000 in June 1973 revealing the decipal extent of his intrigue and treachery.

I don't believe there is anything in history comparable to this Colossal stealing of (and attempts to steal) property under a flimsy guise of legality during and since this Condemnation Case.

This man McGrath had to fit in with the plans of and be welcomed by Columbia Schemers in order to begin this Political a 100,000 attachment for he certainly feared claim over all of the property owners' remaining properties. Twelve Grand one Million dollars for the city's Urban Renewal Grown Fee appointment. Fee over-lot truth before the public in any manner.

THE COLUMBIA RECORD Thursday, June 14, 1973

Attorney Seeks To Attach Absent Clients' Properties

By ANNE MARSHAL
Record Staff Writer

A local attorney John R. McGrath has filed a warrant of attachment for properties of Annie Mary Timmons whom he claims owes him $100,000

McGrath's complaint in the Richland County Court of Common Pleas contends that Miss Timmons owes him this money for services rendered and for expenses he incurred while acting in her behalf.

Miss Timmons was awarded options for her Miracle Mile holdings on Laurel street when they were subjected to condemnation by the South Carolina Tricentennial Commission.

She has left the state and has never collected the money given her by the commission has turned over to Clerk of Court John R. T. Major to hold until she returns to South Carolina to claim it.

The S. C. Tax Commission recently asked the court to issue an order to permit Major to release some of the money to pay personal income tax she owes.

McGrath's complaint includes a warrant of attachment for other property of Miss Timmons located in Richland county.

This includes lots and improvements at 2920 Devine Street, a parcel on the corner of Sims avenue and dewyard street, one at 3100 Duncan street and another at 1329 Calhoun street together with all rights, titles and interest including the right of way and easement at 1329 Calhoun necessary for ingress and egress.

Other property listed includes land at the intersection of Monroe street and Sims avenue, at 228 Sims avenue and 8.05 acres of land one miles northeast of Columbia on U. S. Highway 1.

EXHIBIT -B-
(24-26)
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

STATE OF SOUTH CAROLINA, COUNTY OF ALLENDALE I SAY:

1. That I am a resident and citizen of the County of Allendale, in the State of South Carolina, residing in the City of Allendale: that I was Chairman of the South Carolina Tricentennial Commission from August, 1964, until the termination of the Commission on July 1, 1971.

2. That in May of 1968 the Commission chose as the site for the Midlands Tricentennial Exposition Center a 4-acre city block of Columbia, which block includes the historic Hampton-Preston House and Garden.

3. That this site was chosen only after a careful consideration of its historical value and of the feasibility of locating the exposition center at this site as opposed to other sites in the Columbia area.

4. That the property of Plaintiff, Annie Mary Timmons, was located in the center of the block chosen for the exposition center, and that the acquisition of the property of Plaintiff was essential for the historic park development to follow the Tricentennial year.

5. That in the summer of 1968 the Commission obtained options to purchase on all properties in this block except that of Plaintiff.

6. That in the summer of 1968 the Commission made an offer of Two Hundred Fifty Thousand ($ 250,000.00) Dollars to Plaintiff for her property located on the site for the Midlands Tricentennial Exposition Center, which offer Plaintiff summarily refused, showing no willingness to negotiate reasonably the price below her asking price of Two Million Five Hundred Thousand ($2,500,000.00) Dollars.

7. That under Joint Resolution R293 of the South Carolina General Assembly of 1969, the Commission was granted the power of eminent domain, with the law taking effect on May 26, 1969.

8. That immediately after the passage of the above Law, the Attorney General for the Commission, Augustus T. Smyrion, conveyed the offer of Two Hundred Fifty Thousand ($ 250,000.00) Dollars from the Commission to Plaintiff, but no response to said was ever received from Plaintiff.

9. That only after having been unable to negotiate a price with Plaintiff for her property, did the Commission, on June 6, 1969, commence a condemnation action against Plaintiff, and this suit was brought with the knowledge that plaintiff would have the right to a jury trial at which the fair value of her property would be determined. (See attached affidavit of the South Carolina Attorney General, and the petition for condemnation of the Plaintiff's property brought by the Commission on June 6, 1969).

10. That in December, 1969, the condemnation suit was held and the jury awarded Plaintiff the sum of Three Hundred Twenty-five Thousand ($325,000.00) Dollars for her property, which amount the Commission placed in the custody of the Court of Common Pleas for Richland County, South Carolina, but which amount Plaintiff has refused to collect.

11. That in bringing the aforemention condemnation action against the Plaintiff, the Commission members acted within the scope of their duties under the Constitution and laws of the State of South Carolina, particularly of Joint Resolution R293, Acts of the General Assembly of 1969, and within the range of discretion permitted holders of the office of Tricentennial Commissioner under South Carolina law: that they acted completely in good faith, and solely for historical and reacreational purposed in conjunction with the Tricentennial celebration.

12. That I make this affidavit for the purpose of inducing the District Court for the District of South Carolina, Columbia Division, to consider and rely on the facts set forth herein in connection with the Motion for Summary Judgment filed by Defendants herein.

/s/ Thomas O. Lawton, Jr.
Thomas O. Lawton, Jr.

SWORN to before me
this 11 day of
January, 1975.

/s/ Susan B. Yates (L.S.)
Notary Public for South Carolina
My Commission Expires: 12-17-79

APPENDIX B

Regulation

OPEN-SPACE PROGRAM, LETTER NO. OS-5
(REPRINTED 6-69)
(Pages 13, 14, 15)

THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, D. C. 20410

Oct. 21, 1969

Miss Annie Mary Timmons
1620 Laurel Street
Columbia, South Carolina 29201

Dear Miss Timmons:

This is in reply to your letter of October 6 concerning the acquisition of your property by the South Carolina Tricentennial Commission under the Open Space Land Program (Project Number S. C. OSA-5-DL).

The Department has already approved this project and has signed a contract with the Tricentennial Commission to carry out the project. However, when it is necessary to

acquire property by condemnation, specific Federal procedures must be followed by the agency receiving Federal assistance. From your letter, it is not possible to tell whether or not Federal procedures have been violated by the Tricentennial Commission in acquiring your property. I am, therefore, enclosing our procedures published as Letter No. OS-5. Please refer to the "Compensation of Condemnees" section on pages 13 through 15. If, after reading these procedures, you believe the Tricentennial Commission is in violation of Federal regulations, please make your specific complaint known to our Atlanta Regional Office. You should contact Mr. Thomas Armstrong, Assistant Regional Administrator for Metropolitan Development. His address is Peachtree-Seventh Building, Atlanta, Georgia 30323, and his telephone number is 404-526-3468.

If a violation of Federal procedures has occurred, you may be assured that our Atlanta office will assist you.

Sincerely,

GEORGE ROMNEY
George Romney

Enclosures

METROPOLITAN DEVELOPMENT OFFICE
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
PEACHTREE SEVENTH BUILDING, ATLANTA, GEORGIA 30323

Room 645

REGION III

November 12, 1969
In Reply Refer To: 3MB

Miss Anne Mary Timmons
1620 Laurel Street
Columbia, South Carolina 29201

Dear Miss Timmons:

This is in response to your letter of October 25, 1969, concerning the acquisition of your property by the Tri-Centennial Commission.

It is the responsibility of the Commission to acquire property in such a manner as to comply with local and state laws as well as contracts with this Department when Federal funds are used.

Enclosed is a copy of our letter to Mr. James M. Barnett. You will be advised if any additional information is required.

Sincerely yours,

JACK W. BAUGH
For Thomas J. Armstrong
Assistant Regional Administrator

Enclosure

METROPOLITAN DEVELOPMENT OFFICE
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
PEACHTREE SEVENTH BUILDING, ATLANTA, GEORGIA 30323

Room 645

REGION III

November 12, 1969
In Reply Refer To: 3MB

Mr. James M. Barnett, Executive Director
South Carolina Tri-Centennial Commission
P.O. Box 1970
Columbia, South Carolina 29202

Dear Mr. Barnett:

Enclosed is a copy of Miss Anne Mary Timmons' letter of October 25, 1969.

We would appreciate your giving us a full report in regard to the matters set forth in this letter, especially as to the steps taken by the Commission in regard to its land acquisition policies as required by Section 401 et seq. of the Housing and Urban Development Act of 1965 as amended.

Sincerely yours,

THOMAS J. ARMSTRONG
Assistant Regional Administrator

Enclosure

cc: Miss Anne Mary Timmons
1620 Laurel Street
Columbia, South Carolina 29201

Compensation of Condemnees

Section 402 of the Housing and Urban Development Act of 1965 requires that, as a condition of eligibility for Title VII assistance, the applicant shall satisfy HHFA that it will follow certain prescribed policies in the acquisition of real property by eminent domain.

Accordingly, the application for grant (Checklist Code No. OS 124) shall include a Land Acquisition Policy Statement assuring that, in the acquisition of real property with such grant assistance, the Public Body will:

1. Make every reasonable effort to acquire each property by negotiated purchase before instituting eminent domain proceedings against the property.
2. Not require any owner to surrender the right to possession of his property until the Public Body pays, or causes to be paid, to the owner (a) the agreed purchase price arrived at by negotiation, or (b) in any case where only the amount of the payment to the owner is in dispute, not less than 75 percent of the appraised fair value as approved by the Public Body and concurred in by HHFA.
3. Not require any person lawfully occupying property to surrender possession without at least 90 days' written notice from the Public Body of the date on which possession will be required.

References to eminent domain proceedings in the applicant's statement include administrative takings and similar proceedings for the compulsory acquisition of real property. Item 1 of the statement precludes the filing of blanket condemnations.

With respect to Item 1 of the statement, "every reasonable effort to acquire each property by negotiated purchase" means that (1) the Public Body, directly or through its real estate agent, shall make a diligent, conscientious

effort to induce the owner to accept a fair and proper price for his property, and (2) if that effort is unsuccessful, the Public Body shall make a final offer to the owner in writing. The final offer shall include an invitation to discuss the acquisition of his property with the Public Body, afford a reasonable period of time for the owner to accept or reject the invitation, and include a notification of the date on which the Public Body intends to institute eminent domain proceedings if agreement cannot be reached on the purchase of the property within the time specified.

If only the amount of the payment to the owner is in dispute, Item 2 of the statement will be regarded as being met by a deposit in court of at least 75 percent of the appraised fair value, provided the deposit is withdrawable by the owner without prejudice to his right to obtain a subsequent determination of the value of the property by the court. If State or local eminent domain law does not provide for such a deposit or other payment to the owner of at least 75 percent of the Public Body's valuation of the property before the Public Body can take possession of the property, the Public Body shall pay such an amount to the owner in addition to following the requirements of its own law. This 75 percent payment is to be applied to the ultimate price for the property established by the eminent domain proceeding. Once judgment has been rendered in an eminent domain proceeding with respect to property which the Public Body has not previously taken possession of, the requirement in Item 2 will be regarded as being met either by direct payment of the award to the owner or by deposit in court of the amount of the award. A tender of payment to the owner, whether or not accepted by the owner, will be regarded as payment.

The 90-day notice required by Item 3 of the statement shall be a written notice and shall be given to an owner-occupant as well as a tenant. If the property is acquired through eminent domain proceedings, the 90-day notice

shall not be given prior to the date on which the Public Body acquires title to, or the right to possession of, the property. If the Public Body has entered into an agreement with the owner to purchase the property, the date set in the notice for surrendering possession shall be not earlier than 90 days after the Public Body gives the notice and not earlier than the date on which the owner is obligated under the agreement to deliver title or the right to possession to the Public Body.

The Public Body shall maintain records of its negotiations and other actions, including reports of its real estate agency or staff negotiator on all negotiations with property owners, as evidence of its adherence to the required policy.

LAND ACQUISITION—DEVELOPED LAND

An application for grant to acquire developed land (see "'Developed Land' and 'Predominantly Undeveloped Land'" above) will be approved only if the following two specific findings are made:

1. The land is located in a built-up portion of the urban area.
2. The open-space use proposed for the developed land cannot be provided by the use of undeveloped or predominently undeveloped land in the same portion of the urban area.

When developed land is proposed for acquisition, it is expected that structures on the land will be small, and deteriorated or dilapidated. If standard structures will be acquired and demolished, the application for grant (Checklist Code No. OS 121) shall include a statement justifying the acquisition and demolition of standard structures.

APPENDIX C

Contract

(Known as Defendant's Exhibit K)

METROPOLITAN DEVELOPMENT OFFICE
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
PEACHTREE SEVENTH BUILDING, ATLANTA, GEORGIA 30323
Room 645

Region III

May 27, 1969

In Reply Refer To: 3GM

Mr. James M. Barnett
Executive Director
South Carolina Tricentennial Commission
829 Richland Street
Columbia, South Carolina 29202

Dear Mr. Barnett:

Subject: Open-Space Land Contract
No. S.C. OSA-5(DL)(G)
Project No. S.C. OSA-5(DL)

Enclosed herewith for your records is one fully-executed counterpart of the above-identified Contract.

Sincerely yours,

JAMES W. BOONE
For Thomas J. Armstrong
Assistant Regional
Administrator

Enclosure

The undersigned hereby certifies that the within is an original exhibit in the action on appeal, Annie Mary Timmons, Appellant vs. The South Carolina Tricentennial Commission et al, Respondents.

N. Welch Morrisette, Jr.
N. Welch Morrisette, Jr.
Attorneys for Appellant

William H. Gibbes
William H. Gibbes
Attorneys for Appellant

Augustus T. Graydon
Augustus T. Graydon
Attorney for Respondents.

UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

CONTRACT FOR GRANT TO ACQUIRE AND/OR DEVELOP LAND FOR OPEN-SPACE PURPOSES UNDER TITLE VII OF THE HOUSING ACT OF 1961, AS AMENDED

PART I

Project No. S.C. OSA-5(DL)
Contract No. S.C. OSA-5(DL)(G)

This Agreement, consisting of this Part I and the Terms and Conditions (Form HUD-3180b, dated 5-68) forming Part II hereof (which Parts, together, are herein called the "Contract"), effective on the date hereinbelow set out, by and between South Carolina Tricentennial Commission (herein called the "Public Body") and the United States of America (herein called the "Government"),

Witnesseth:

In consideration of the mutual covenants, promises, and representations contained herein, the parties hereto do agree as follows:

Sec. 1. Purpose of Contract

The purpose of this Contract is to provide Federal financial assistance to the Public Body in the form of a grant of Federal funds (herein called the "Grant") under Title VII of the Housing Act of 1961, as amended, for the purpose of carrying out a certain open-space land project (herein called the "Project") and to state the terms and conditions under which such assistance will be extended.

Sec. 2. The Project

(a) The Public Body agrees to undertake, carry out, and complete the acquisition of fee simple in that certain land located in the City of Columbia, County of Richland, State of South Carolina, and more generally described as shown on the Exhibit A attached hereto and made a part hereof by reference.

(b) The Public Body agrees to retain said land, as developed, for permanent open-space purposes, and the open-space use or uses of said land shall be for park and recreational purposes, conservation of land and other natural resources, or historic or scenic purposes.

Sec. 3. The Grant

In order to assist the Public Body in carrying out the Project, the Government agrees to make a Grant in an amount equal to 50 percent of the actual cost of the Project, or in the amount of $430,893.00, whichever is less.

Sec. 4. Relocation Grant

(a) The Government further agrees to increase the Grant otherwise payable to the Public Body pursuant to the provisions of Section 3 hereof in an amount equal to the relocation payments which are made by the Public Body in connection with the Project, in accordance with regulations prescribed by the Secretary with respect thereto:

Provided, That the amount of such increase shall in no event exceed the sum of $19,100.00.

(b) The Public Body agrees to make relocation payments to or on behalf of eligible families, individuals, business concerns, and nonprofit organizations in accordance with and to the fullest extent permitted by the regulations prescribed by the Secretary and within the limitations of subsection (a) hereof.

(c) No part of the amount of the relocation payments provided for hereunder shall be included in computing the amount of the Grant otherwise payable to the Public Body pursuant to the provisions of Section 3 hereof.

SEC. 5. TIME OF PERFORMANCE

The Public Body agrees that it will complete the acquisition of the open-space within 6 months after the date of the contract.

SEC. 6. COUNTERPARTS OF THE CONTRACT

This Contract may be executed in two counterparts, each of which shall be deemed to be an original, and such counterparts shall constitute one and the same instrument.

SEC. 7. CHANGES APPLICABLE TO PART II HEREOF

The following change is hereby made in the attached Terms and Conditions designated Part II hereof:

Wherever there appears in the Terms and Conditions, Part II, of this Contract any reference to or any provision directed toward demolition and/or development activities on open-space land acquired as part of the Project authorized hereunder, such provision or reference shall be deemed to be surplusage, it being understood and agreed by and between the parties hereto that the purpose of this Contract is to provide for Federal grant to assist in the acquisition of land for open-space purposes.

SEC. 8. COMPENSATION TO GOVERNMENT FOR ITS AUDITS AND INSPECTIONS

The Public Body will compensate the Government for its inspections and audits, provided for in Section 103(B) of Part II of this Contract, a fixed fee in the amount of $4,785.00. The fixed fee shall be payable at the time the first requisition for a Grant Payment is approved by a deduction of the entire amount of the fixed fee from the first Grant Payment to the Public Body: *Provided*, That, in the event the Grant amount authorized under Section 3 hereof with respect to the actual cost of the Project is increased, the addtional fixed fee payable thereby shall be deducted from the next Grant Payment made to the Public Body.

IN WITNESS WHEREOF, the Public Body has caused this Contract to be duly executed in its behalf and its seal to be hereunto affixed and attested; and, thereafter, the Government has caused the same to be duly executed in its behalf this 26th day of May, 1969.

(Seal)

SOUTH CAROLINA TRICENTENNIAL COMMISSION

By JAMES M. BARNETT
(Signature)

James M. Barnett, *Executive Director*
(Type Name and Title)

Attest:

SARA C. McMILLAN
(Signature)

Sara C. McMillan, *Notary Public*
(Type Name and Title)

UNITED STATES OF AMERICA
Secretary of Housing and Urban Development

By ROBERT J. INGRAM
Deputy Assistant Regional Administrator
for Metropolitan Development

GRAYDON & DAVIS / attorneys and counselors at law

Clint T. Graydon (1908-1962)
Frederick Davis
Augustus T. Graydon
W. Shell Davis, Jr., Associate
Sarah Graydon McCarty, of Counsel

Columbia, South Carolina 29201
Area Code 803
Telephone 254-2770

Grayson to Legislature concerning Eminent Domain for taking My property. The whole action was conceived in fraud, developed by fraud, and a large measure of proof of fraud is contained herein.

January 20, 1969

These 2 letters constitute the application of the Trustees to the legislature for eminent domain power

Senator Walter Bristow
The Senate
State House
Columbia, South Carolina

Dear Walter:

As you know, we are on a rather tight schedule in regard to the acquisition of the Hampton-Preston house and the development of the Columbia center for the Tricentennial.

How does he know? I hadn't received or discussed any offer at all

We are proceeding with the purchase of all tracts save the property of Miss Annie Mary Timmons who has an entirely unrealistic idea of the value of her property and is refusing to sell. Consequently, we have determined to exercise our power of eminent domain and bring another suit.

The Commission expects to exercise the five options which are "in hand" and the house itself will be transferred to The Tricentennial Commission by the Richland County Historic Preservation Commission so that the rebuilding of the house can begin immediately.

He seeks a law for my property only, arranges an appraisal by me, and sets a time for my trial - all without making any offer for my property

It is therefore essential that the Commission get the power of eminent domain so that the property of Miss Timmons can be acquired as soon as possible. Since we anticipate an appeal by her, we would like to get the suit underway next month. Bob Heilman has prepared the act and I assume that you have a copy.

As you know, this is the ONLY property involved, and no acquisitions in Greenville or Charleston are needed since the properties in those areas are under option.

Sincerely,

Augustus T. Graydon

ATG:mkc

Dated is H 1090 of 1969.

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D 131 PAGE 170

Deed to Commission
From Pullman Motor

State of South Carolina,

Pullman Motor Company, Inc.
to
The South Carolina Tricentennial Commission

Know All Men by These Presents, That [illegible]: Pullman was paid $300,000 for much better by petitioner ers footage than the Miracle Complex had and without any valuable improvements except a concrete block warehouse type of thing that could have been built for 18,000 to 20,000 dollars or less and was a temporary construction.

The apt complex consisted of 163 complete, comfortable efficiency and 3-room units with baths, kitchens, hot and cold water, heat etc. and a beautiful restaurant with special built storage freezers for building Matteson and supplies of all kinds for other apt. bldgs under the same ownership. for 3 million dollars in improvements - the owner was not paid even $1.00 - only $35,000 for the land.

in the State aforesaid, for and in consideration of the sum of Three Hundred Thousand ($300,000.00) Dollars to it paid by The South Carolina Tricentennial Commission in the State aforesaid, receipt of which is hereby acknowledged, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said [illegible] its successors and assigns:

All that piece, parcel or lot of land located on the east side of Pickens Street and extending between Laurel and Blanding Street in the City of Columbia, County of Richland, State of South Carolina, having street frontages as follows:

Pickens Street (to the West): 410.7'
Laurel Street (to the North): 110'
Blanding Street (to the South): 140'

Said lot or parcel being more particularly described as follows: commencing at the southeastern corner of Laurel and Pickens Street, and running thence along Pickens Street for a distance of 410.7' in a Southerly direction; running thence along Blanding Street for a distance of 140' in an Easterly direction; running thence along lot of Richland County Historic Preservation Commission for a distance of 143' in a northerly direction; running thence along lot of Miss Annie Mary Timmons as follows: 2' (westerly), 7' (northerly), 10' (westerly) and 410.7' (northerly) to Laurel Street, running thence along Laurel Street to the point of commencement for a distance of 110'.

The above premises were heretofore conveyed to Pullman Motor Company (formerly Wilson Motor Company) by deeds of Manuel D. Zorgias and Thomas E. Hair, respectively recorded in the office of the Clerk of Court for Richland County in Deed Book "DK" at pages 245 and 360.

D 131 PAGE 170

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361

D 132 PAGE 173

Deed from Plumbers & Steamfitters' Union
to Commission

FILED IN REAL ESTATE
The R. L. Bryan Company, Columbia, S. C.

Plumbers & Steamfitters Union, Local No. 227
to
The South Carolina Tricentennial Commission

State of South Carolina,

COUNTY OF RICHLAND

THAT, the property below described was conveyed to the trustees of Plumbers & Steamfitters Union, Local No. 227, on June 15, 1964, and recorded in Deed Book 330 at page 512 thereof, in Richland and Lexington Counties, South Carolina, and,

WHEREAS, the present trustees now holding title to all property are L. L. Hinton, President, W. D. Davis, Vice President, Joseph R. Cox, Secretary, and W. W. Daines, Jr., Business Agent, of said Plumbers & Steamfitters Union, Local No. 227.

Know All Men by These Presents. That Steamfitters Union, Local No. 227.

KNOW ALL MEN BY THESE PRESENTS, That L. L. Hinton, W. D. Davis, Joseph R. Cox and W. W. Daines, Jr., as trustees for Plumbers & Steamfitters Union, Local No. 227

Note: The owners were paid 50,000 for this bldg which was little more than a shed. The price when compared to the 163 beautiful furnished apts and a restaurant for 325,000 (for the lot) doesn't make sense.

The petitioner has other deeds (Copies) showing tremendous prices paid for whatever was there. It was only the extremely valuable property of the Petitioner that was never paid for and never intended to be paid for.

in the State aforesaid, in consideration of the

sum of Fifty Thousand and no/100 ($50,000.00) Dollars

to / Plumbers & Steamfitters Union, Local No. 227 paid by The South Carolina Tricentennial Commission

in the State aforesaid, receipt of which is hereby acknowledged,

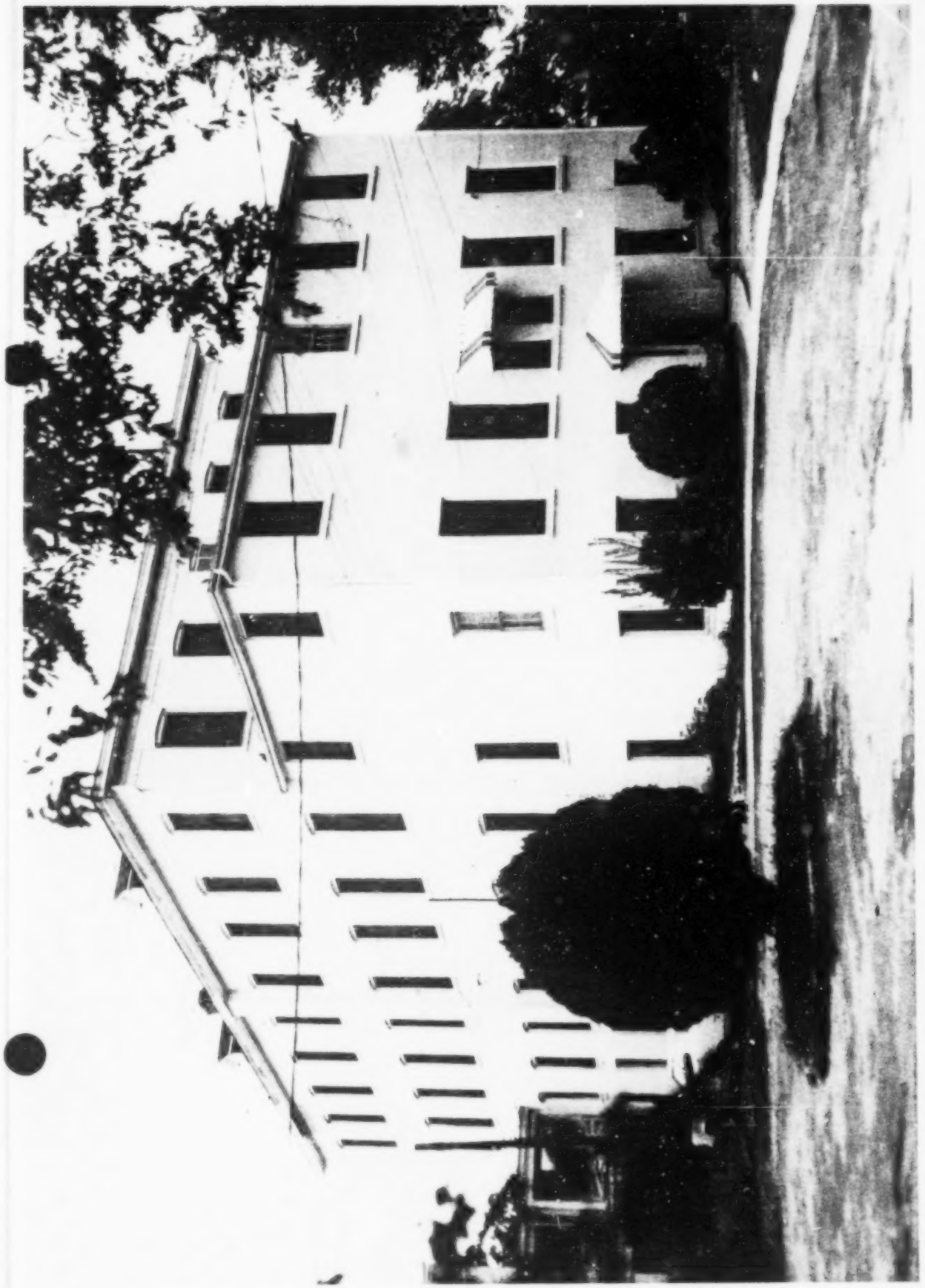
have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said

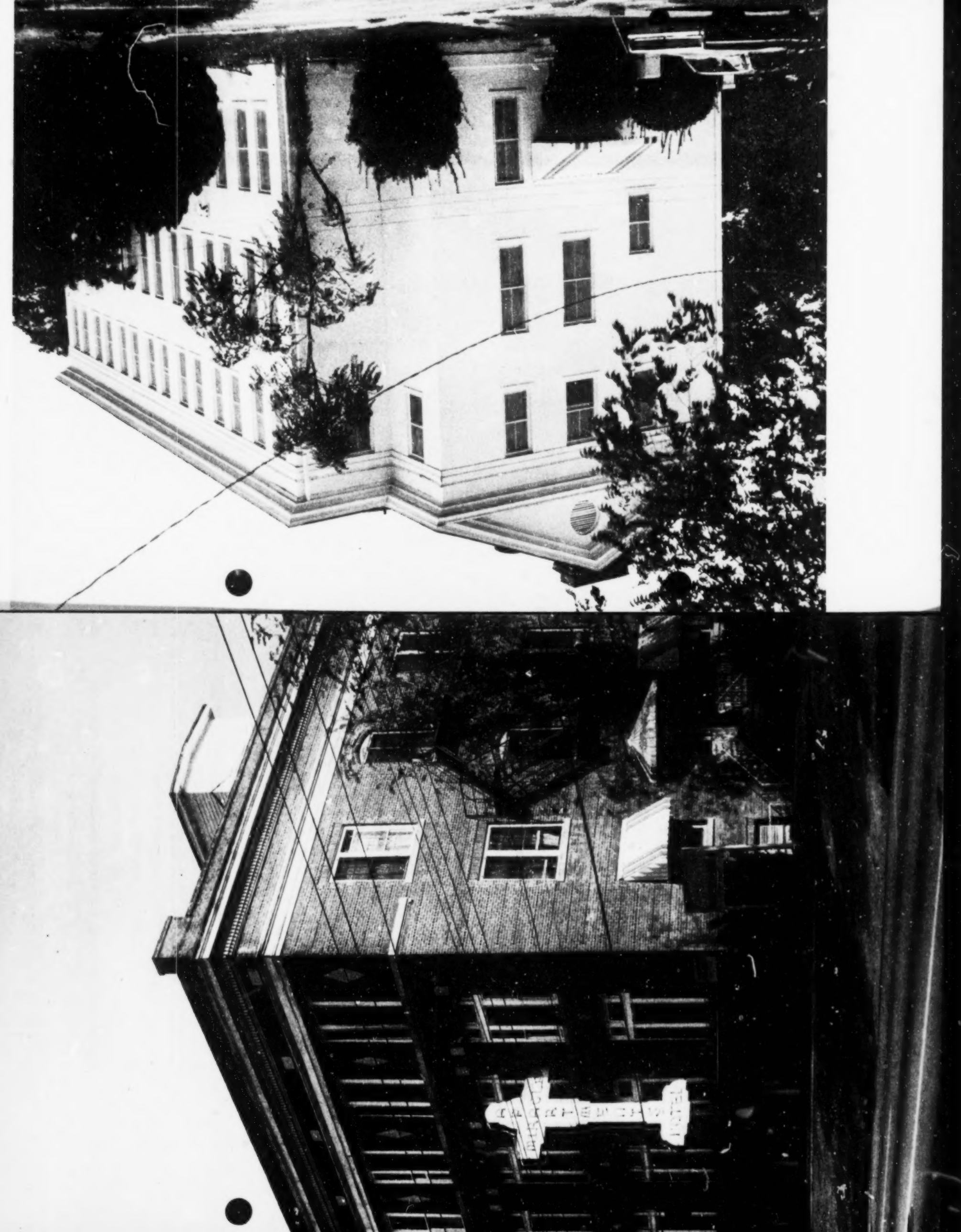
THE SOUTH CAROLINA TRICENTENNIAL COMMISSION, its successors

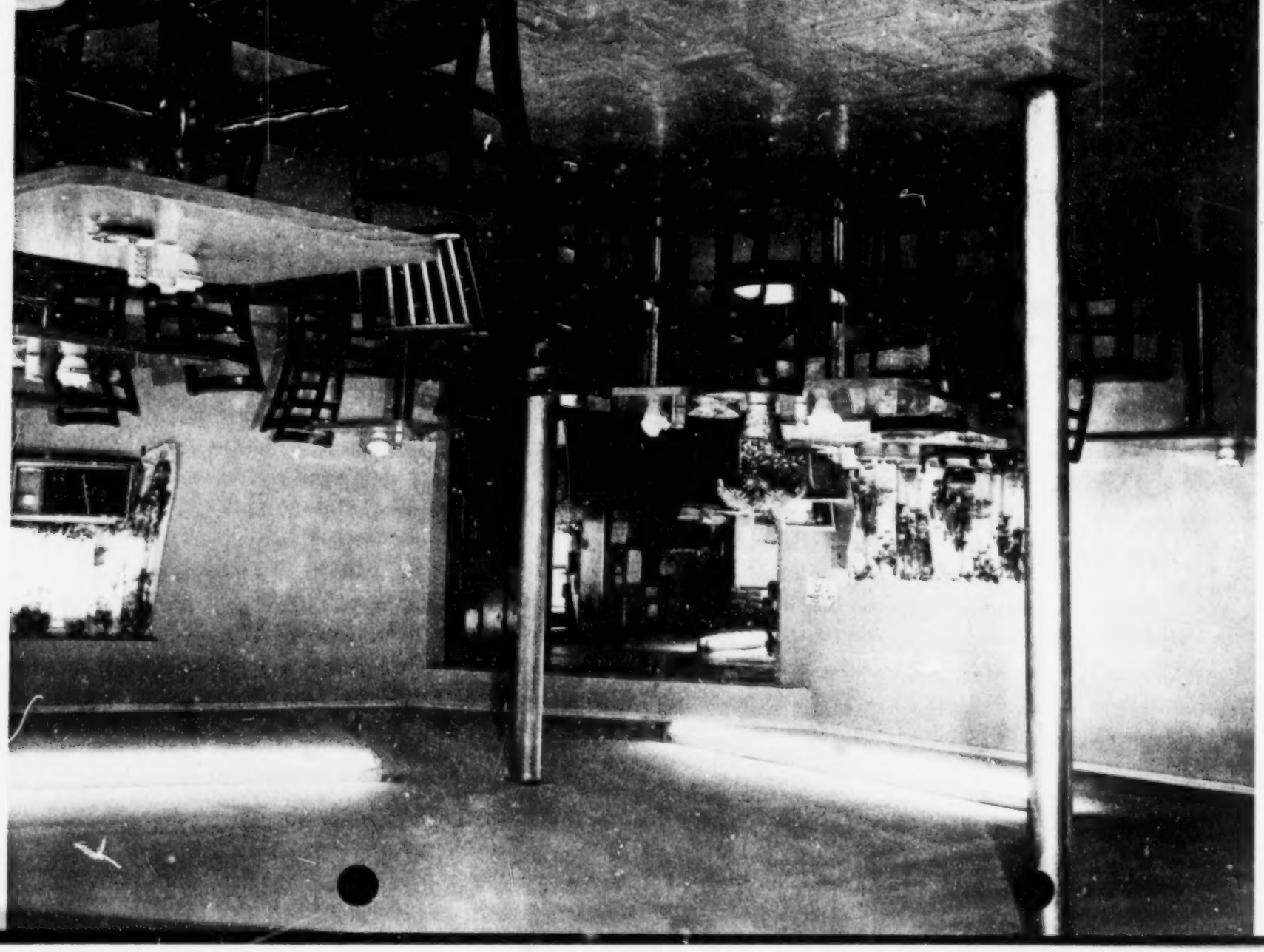
and assigns

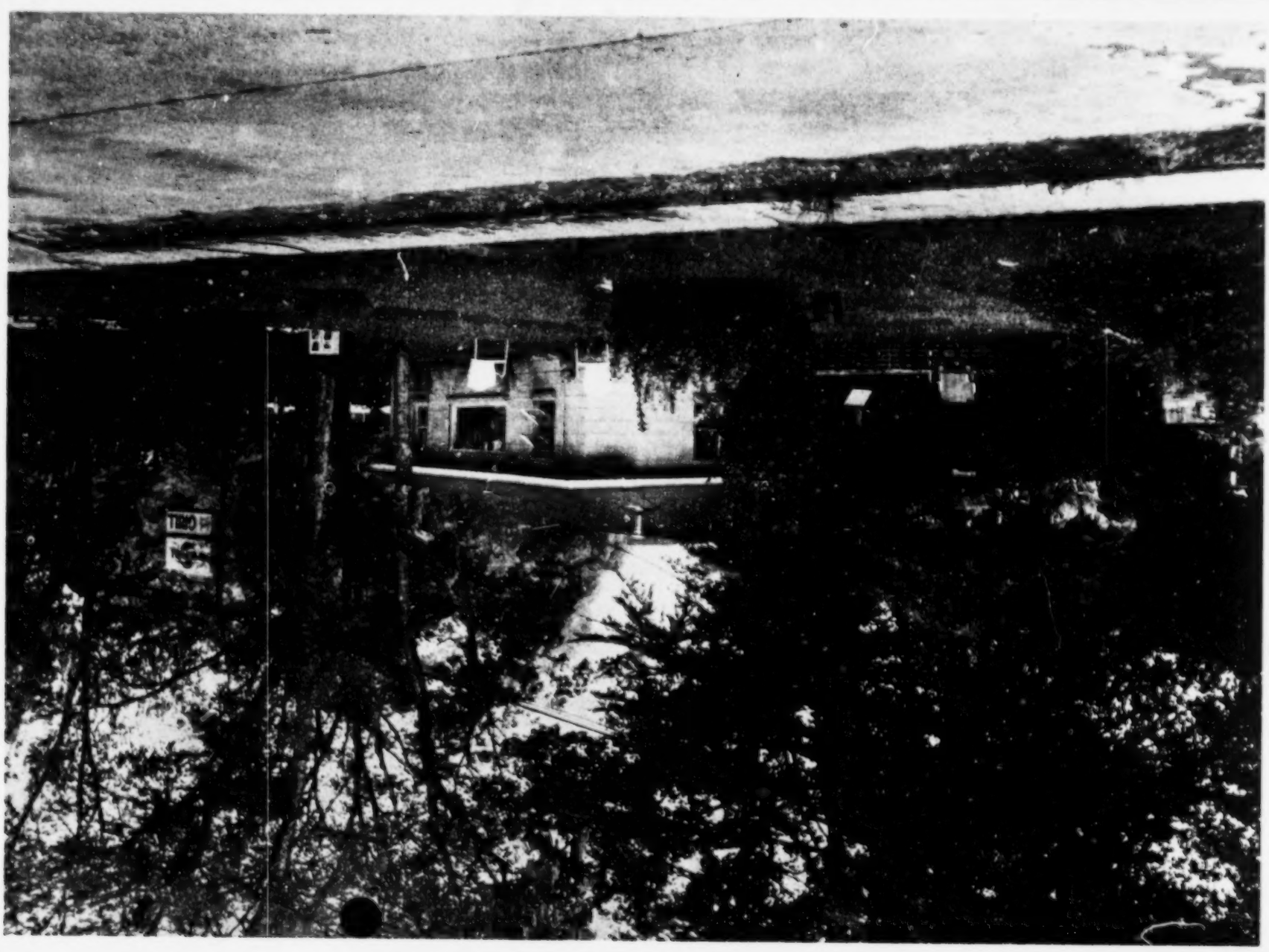
All that piece, parcel or lot of land located on the east side of Henderson Street, between Laurel and Blanding Street in the City of Columbia, County of Richland, State of South Carolina, commencing at a point 153' south of Laurel Street on Henderson Street (now Main), running thence along lot of Pleasants and Hamilton (now Simmons) 101.5 in a easterly direction, running thence [illegible] then Simmons for a distance of 31' in a [illegible] thence along lot of [illegible] in an easterly direction to [illegible] thence [illegible] Henderson and fronting on said [illegible] Street, the [illegible] to the property now [illegible] Store [illegible] to the corner of [illegible] Street, [illegible] to the beginning point of [illegible] fronting on Henderson Street 31'.

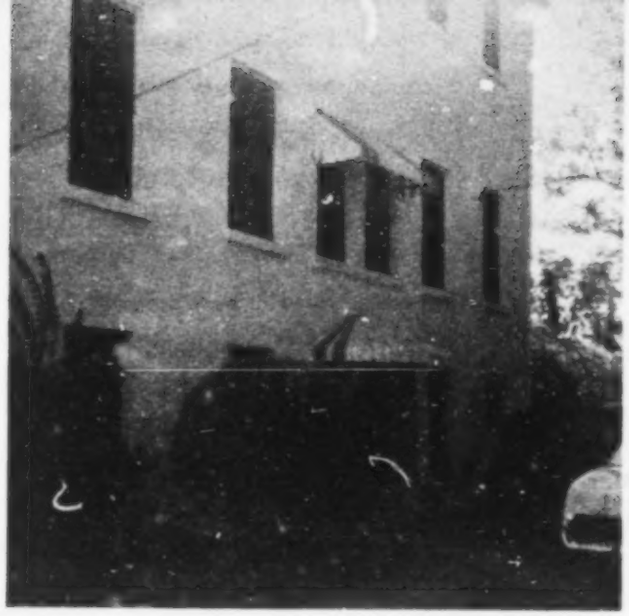
D 132 PAGE 173











MIRACLE COMPLEX COMPLETED

Construction of Miracle Apartment Complex Completed About February, 1968.

Slip below shows last job had been completed on Complex February 2, 1968.

SOUTH CAROLINA ELECTRIC & GAS COMPANY

CYC.	L.U.	ROUTE	FOLIO	C.S.
		24-1	1468	

NAME: Jimmie M. Timmons

ADDRESS: 1152 Hamlet

DATE: 2/2/68 PREPARED BY:

SERVICE TO

SEQ.	CODE	$	¢
2			20

AMOUNT

CA 4009

South Carolina Tricentennial Commission

829 RICHLAND STREET
TELEPHONE 803/758-2697

POST OFFICE BOX 1970
COLUMBIA, S. C. 29202

January 10, 1969

This letter backs a letter to the legislature that was not even written until 10 days later but nevertheless incorporates all statements therein. That letter is to Senator Bristow and is dated Jan. 20, 1969, this one Jan 10, 69. The last paragraph on page 2 is the official back-up for the illegal and fraudulent taking of a 3 million dollar piece of property by Willard Lawrence

Chairman and Members
Richland County Delegation
South Carolina General Assembly
1311 Marion Street, Room 103
Columbia, South Carolina

Gentlemen:

In 1956, the General Assembly passed the act creating the South Carolina Tricentennial Commission for celebration of South Carolina's 300th anniversary in 1970. Act No. 925, 1956, approved March 21, 1956.

For all practical purposes, a new act was adopted by J/R No. 1141, H.R. 822, H. 1985, approved March 2, 1966.

Section 3 of the 1966 act sets out the powers of the Commission in 8 paragraphs, but the power of eminent domain is not specified.

The Attorney General has advised that the power of eminent domain must be specified in the act in order to vest a Commission with this power. The Commission has considered suits by another agency which has the requisite power, but this also does not appear to be safe.

In a special meeting of the South Carolina Tricentennial Commission on Monday, August 26, 1968, a motion was adopted by the Commission that the Legislature be asked to grant the South Carolina Tricentennial Commission authority for condemnation power. The following is an exact quotation from the mimutes of this meetn.

> Motion was then made by Mr. Duncan and seconded by Mr. Pope that the Commission seek to extend the options so that they need not be exercised prior to January 1, 1969, and that the Legislature be asked to grant the Commission authority to condemn such property as is necessary for the success of the project.

370 ↑ 370

It was neither needed nor used in the project, nor was it even possible to be used for parking covered with 5 magnificent buildings during 1970.

EXHIBIT D

You have already received a communication from Mr. A. T. Graydon regarding this matter, but this will back up his request with official action by the Commission.

Sincerely yours,

James M. Barnett
Executive Director

JMB/c

Referring to attached letter of Jan. 20 - actually written ten days later than the letter backing it up. This whole action is unique in that all actions were carried out improperly or illegally or with trickery including of course the fraudulent conception of the taking.

Mr. Barnett was ashamed and afraid to mention any part of the Tricentennial Commission as "A Communication from Mr. A. T. Graydon," who of course spoke for the Tri. This letter and the one referred to are evidences of the fraud and servidity that distinguished and controlled the actions of the Tricentennial Commission.

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Note: By trickery one connection with Mr. Barnett was forced upon this Ret. but no negotiations. He said that my pleas was not necessary at all, that he was not in favor of taking it, but that he was chairman in name only without any authority whatever.

South Carolina Tricentennial Commission

829 RICHLAND STREET
TELEPHONE 803 758-2967

POST OFFICE BOX 1970
COLUMBIA, S. C. 29202

January 30, 1969

Miss Annie Mary Timmons
1620 Laurel Street
Columbia, South Carolina

Dear Miss Timmons:

I am writing you on behalf of the South Carolina Tricentennial Commission in regard to the property which you own in the block bounded by Laurel, Henderson, Blanding and Pickens Streets. It is my understanding that you own 59,451 square feet.

This was Calhoun Lot owned by Tricom and appraisal to avoid clear sending by the federal govt if Govt spends 250,000. There was never any intention to pay me for my investments. I proved this in Court but the testimony was all destroyed or lost and never came to light

Based on the appraisals which have been made by two MAI appraisers who have appraised the entire block, the Commission is able to offer you $250,000.00 for your property, and you can consider this a firm and binding offer.

In addition to comparable sales in the area, we have considered the fact that the public auction of this property in 1964 brought bids totalling $119,000.00. → There was no question I stopped it before it happened because I saw the scheme in the making. I paid $10,000 to not have an auction

Please let me hear from you by Wednesday, February 5, in regard to this offer. We have already acquired all other properties in this block.

I am sending a copy of this letter to your attorney for his information.

Sincerely,

A. T. Graydon

ATG/esm

cc: Mr. Eugene L. Brantley
Easterling and Brantley
1215 Lady Street
Columbia, S. C. 29201

Mr. James M. Barnett
P. O. Box 1970
Columbia, S. C. 29202

The Honorable Walter J. Bristow, Jr.
1306 Main Street
Columbia, S. C. 29201

The Honorable Hayward Belser
307 Barringer Building
Columbia, S. C. 29201

The Honorable T. Travis Medlock
1421 Bull Street
Columbia, S. C. 29201

This letter was the only gesture toward an offer for my property and the Legislature forced this to be written after I had suffered there a whole year of lies and false propaganda concerning my refusal to accept an offer that had never been made.

This letter was the sole reason for my seeking an injunction to prevent condemnation and to arrange representation should one occur. I was never served with condemnation papers at all and the injunction was thwarted by procedures illegal without proper service.

Augustus T. Graydon
Attorney at Law
1425 Washington St.
Columbia 1, S. C.

This letter a mere gesture of carrying out federal law requiring otherwise negotiations. This constitutes all negotiations

May 27, 1969

Miss Annie Mary Timmons
1620 Laurel Street
Columbia, South Carolina

Dear Miss Timmons:

Mr. Barnett did not discuss price at all. He said he was in favor of my property remaining intact. I suggested other ways I would beautify it. Mr. Barnett admitted he was the Executive Head of the Tricentennial in name but without any authority.

Mr. Barnett of the Tricentennial has talked to me about your conference of the 26th in regard to the property owned by you in the block bounded by Laurel, Henderson, Blanding and Pickens Streets. I thought that there were three matters which I should clarify:

(1)

On January 30, I wrote you in regard to the purchase of this property and made an offer of $250,000, based on appraisals made of the property by two reputable and qualified local appraisers.

Your attorney, Eugene L. Brantly, rejected this offer in a letter dated February 10, with copy to you.

This is to reaffirm that offer of $250,000.

(2)

The General Assembly has ratified the Joint Resolution giving the Tricentennial Commission the power of Eminent Domain or condemnation; the act has been approved and made effective by the Governor.

In that connection, I have already prepared the Declaration of Taking, Petition and Notice of Proceeding required for the condemnation; should we be able to reach a settlement, I would propose to go forward with the suit so that the same would be under "force of condemnation" which would afford possible tax savings to you.

Threaten Taking without any negotiations

Gov't hired and paid Marriotta To defend me in the Condemnation proceedings but this is our first To apply for an injunction against this To prevent condemnation

(3)

I have conferred with Mr. Barnett and I am withholding the institution of any proceedings pending the outcome of your negotiations. I must advise you that a public body has a comparatively little leeway in negotiations, and any settlement must be based on current market value.

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We had No Negotiations Mr. Barnett after admitting the legality of my property improvements, beautifying and leaving my apartment to help finance the personality owned by Tricentennial. I then applied for a loan from Home Federal but was refused 3 Fit after considerable attempts in pursuing angering

Augustus F. Grimball
Attorney at Law
1422 Washington St.
Columbia 1, S. C.

COPY

Miss Annie Mary Timmons
May 27, 1965
Page Two

We are hopeful that this matter can be precluded without the expense and trouble of litigation.

I understand that Mr. Brantley no longer represents you, so I am sending you this letter direct.

Sincerely,

/S/ Augustus F. Grimball

Augustus F. Grimball

afG:sp

CC: Mr. James M. Barnett
P. O. Box 1070
Columbia, S. C.

Mr. Everett A. Graham
Office of the Attorney General
State Office Building
Columbia, S. C.

Mr. Thomas H. Pope
Public Square
Newberry, S. C.

BC: Mr. Heyward Belser
Barringer Building
Columbia, S. C.

Senator Walter Bristow
1308 Main Street
Columbia, S. C.

Mrs. James F. Brauer
1616 Blanding Street
Columbia, S. C.

pet: after failure to notify me in time to attend the Apr 5, 1971 hearing on dissersement of funds alleged to be mine, he was very angry that I wired the open Court and precluded several attempts to get control of the funds.

JOHN GRIMBALL
RESIDENT CIRCUIT JUDGE
RICHLAND COUNTY COURT HOUSE
POST OFFICE BOX 87
COLUMBIA, S.C. 29202
PHONE: AC 9-1834, AREA CODE 803

STATE OF SOUTH CAROLINA
COURTS OF COMMON PLEAS AND GENERAL SESSIONS

FIFTH JUDICIAL CIRCUIT
RICHLAND COUNTY
KERSHAW COUNTY

January 25, 1972

He is determined that I receive no compensation for my property either directly or indirectly as payment of 2 just mort. balances.

He had 3 different applications with Petitions signed Consent for pmt of 2 mortgage balances, 2 by the banks at my request and from me directly, and refused them all!

Miss Annie Mary Timmons
c/o Mr. V. J. Smyrl
1830 Henderson Street
Columbia, South Carolina

Dear Miss Timmons:

I have your letter of January 14, 1972, concerning the mortgages that you owe to the Citizens and Southern National Bank and to the First Federal Savings and Loan Association. Your money is in the hands of the Clerk of Court for Richland County. I do not propose to disburse any of this money except upon your expressed direction and except by authority of your legally constituted attorney at law. You have constantly accused your attorneys of bad faith. You imply that the Court has permitted payment of your funds without authority. It will be necessary for you to appear personally before this Court before any of your money will be paid to you or to anyone to whom you owe money and want it paid.

If only you had stuck to your word!

Yours very truly,

John Grimball

JOHN GRIMBALL

JG:me

CC: Honorable John R. T. Major
Clerk of Court
Richland County Court House
Columbia, South Carolina

Honorable William F. Prioleau, Jr.
Attorney at Law
Barringer Building
Columbia, South Carolina

Honorable W. Ralph Garris
Attorney at Law
1422 Washington Street
Columbia, South Carolina

Biz talk! Atty Belser has already paid Croxton without my consent and even without my knowledge and after he has consistently refused to pay 2 just mortgage balances with my request and full consent

STATE OF SOUTH CAROLINA

COURTS OF COMMON PLEAS AND GENERAL SESSIONS

JOHN GRIMBALL
RESIDENT CIRCUIT JUDGE
RICHLAND COUNTY COURT HOUSE
POST OFFICE BOX 87
COLUMBIA, S. C. 29202
PHONE, AC 803, 758-3834, AREA CODE 803

FIFTH JUDICIAL CIRCUIT
RICHLAND COUNTY
BERKMAN COUNTY

July 17, 1973

Miss Annie Mary Timmons
P.O. Box 978
Ft. Lauderdale
Florida

Dear Miss Timmons:

If you will engage some lawyer to represent you concerning your various law suits and have your lawyer come by my office to see me, I will be glad to discuss all of these matters with him.

However, I will not engage in any correspondence with you by telegram or by letter unless you have a lawyer representing you. You are well able to employ an attorney if that is what you wish to do.

Please do not write me any letters concerning this matter or send me any telegram unless you first engage a lawyer to represent you in these matters.

Very truly yours,

John Grimball

JOHN GRIMBALL

JG:jdv

Note: With property and income stolen from me I needed money
Not discussion of law suits.
The Court did not want to hear from me concerning the funds or anything.

Box 978
Ft. Lauderdale, Fla.
July 24, 1973

The Richland County Clerk of Court
Richland County Court House
Columbia, S. C.

Dear Sir:

I have just read in the Columbia newspapers that you are holding money allegedly mine and that I refused to accept the money. Did you send me a check and was it returned to you?

The facts are that I have nothing, I am ill, and every hour is a struggle to exist. I have been robbed of all my wealth, my rights, and my very life, but I have not refused any money.

I have borrowed and paid to lawyers about $60,000 in return for absolutely no legal services on my behalf. I cannot borrow any more and am therefore writing directly to you.

Send the check to me Box 978, Ft. Lauderdale, Fla. I know I'll get it safely that way. My phone no. is 764-6249 Area code 305. I have kept you and all interested parties apprised of my address.

Sincerely yours,

Annie Mary Timmons

Exhibit #3

3104 Monroe Street
Columbia, S. C.
May 9, 1971

Dear Arnie Mary:

As I explained to you on the phone, Mack's extreme illness necessitating constant attention, my own condition weakened by recent operations and extreme worry and sacrifices for the benefit of your problems, and the continual drain on my waining finances for several years have just about depleted my life savings.

The sum total of actual case outlay to you and for other services employed in your cause would amount to $65,000, and the breakdown of that figure has been checked in every detail by both of us.

Is it not possible somehow for me to recover the total of all amounts advanced to you during the past three and one-half years of interference and paralyzing damages inflicted upon you by the Tri-Centennial?

My heart was so heavy over the injustices meted out to you that I paid everything to the limit of my ability in the life-giving hope that you would get a square deal sometime.

That has not been the case. The only results this far have been broken hearts, tears of bitterness, even death itself, and a complete denial of even a vestige of human and constitutional rights guaranteed every individual. You told me that the first lawyer, Mr. Morrissette, on the basis of a letter from Gus Graydon threatening condemnation (I understand you were never served condemnation papers) demanded $5,000 with the promise to save your property - to fight condemnation through the Federal Courts including even the Supreme Court of the United States. I sent the $5,000, and he then pursued another course of action and, according to the newspapers, left you without legal aid (expressed this in the newspapers in large headlines: "Miss Timmons sans lawyer --- ") in the furnace of an unfriendly court, in which court you would not have been except for that attorney's instructions to you to be and just prior to his withdrawal.

After that horrible loss, you said Mr. Cobb promised you to defend your property from the Tri-Centennial and I sent $500 for him. You said he took the money and then dropped out of the case in several days because you would not change your course of action and sell to the Tri-Centennial when he, like Morrissette, had been paid to prevent that from happening.

Then that fellow Cole got into the picture, and I surely proved the old saying that "Hope springs eternal in the human breast" when I paid $1,050 for his services despite the sanity of such an act.

He, according to your and other reports of the case, attended the trial as Gus Graydon's best man and put some witness on the stand to further prove Gus' case and kill every inkling of hope for getting just compensation for your property and any return on your investments and business enterprises.

Then Hartzog promised and assured you, me, the Lucases, and some of the tenants over and over again that he would save the buildings, the apartment business, and the restaurant business by exercising his valuable contacts in Washington without any appearance in the local courts in which he did not practice. He was constantly high-pressuring us for money for numerous Washington trips, each time holding up a comparison of the tremendous value of the buildings and the businesses (all of which he was saving for us) with the fees he just had to have to make the trip at hand. This went on for one and one-half years during which time I paid out for him $23,750. He says he made at least 40 trips to Washington, but I can't understand why there was not any hearing of any kind on your case or any good results from his trips.

Every happening has proved disastrous, hopeless and heart-breaking with only injustices reigning supreme at all times. The Tri-Centennial rendered you unable to pay your mortgages, interest, bills of all types such as utilities, labor, materials and many unusual charges brought on directly by the Tri-Centennial's actions against you.

I paid all these things because my heart ached for you and the injustices you suffered. I paid and paid until my savings are all gone. It grieves me that things have turned out so bad for you. I know you have sacrificed your life to finally be in position to carry out your wonderful dreams for many people as well as to get a little pleasure out of life for yourself, but you have lost the buildings, and, as I see it now, all hope for ever receiving just compensation for your properties and a proper return on your investments. The income you were ready to receive when the thieving was conceived and began to take shape as well as the proven cash outlay for improvements would warrant more than the three million you were claiming. I admit they have stolen and destroyed the best of your life - your initiative, your energies, your time, your dreams, and almost your hope of eternal life, but I am begging you not to let it take what little time and life you may have left. Please try hard to forgive and forget the horrors of the past three years and the fact that your entire life so far has been ruthlessly stolen. I hope and pray that what little time we have left will compensate in some manner for all the rest.

And that brings me to what I hate to discuss - my own losses in your behalf. I have given you everything in the hope that in some way, if you kept fighting, you might find justice along the way. I hate to add to your burdensome suffering, but I have to tell you that my emergencies are increasing steadily and my money is gone. At my time of life when I need it most there is no way for me to replace my savings of a lifetime. Is it possible for you at this time to authorize payment to me of the total of all these advances incurred in the struggle for right and justice?

Let me know as quickly as possible. I am on the brink of despair and need your help. However, if you can't do anything about it, please don't worry about it and remember that I love you just the same. We can both make out somehow.

All my love,
Your devoted sister)
Flora Mary Plumer

BEST COPY AVAILABLE

July 7, 1970

The Re

Tuesday, July 7, 1970

Recent Deaths and Funerals

Tuesday, July 7, 1970

GRADY A. HOOK

Funeral services for Grady A. Hook will be held tomorrow at 4 p.m. in the Dunbar Funeral Home, Gervais Street Chapel, conducted by the Rev. J. Milton Frick. Burial will be in the Nazareth Lutheran Church Cemetery.

Pallbearers will be R. M. Smith, C. A. Andrews, J. W. Cross, Keith Addy, Lindsay Addy and J. B. Addy Jr.

Friends may call at the funeral home.

Mr. Hook, 78, of 1218 Bull St. died yesterday.

He was a retired employe of the lumber industry. He was a son of the late Jesse Baylis and Fannie Rebecca Hook. He was a veteran of World War I.

Surviving are three sisters, Mrs. Rosa Shealy, Miss Julia Hook and Mrs. Ila B. Addy of Lexington; and a brother, L. O. Hook of Columbia.

According to Columbia police, he died in the Hotel Wade Hampton of a self-inflicted gunshot wound.

Johnson's Funeral Home is in charge. The time is July 7, 1970

G. A. HOOK

Grady A. Hook, 78, of 1218 Bull St. died Monday.

He was a retired employe of the lumber industry. He was a son of the late Jesse Baylis and Fannie Rebecca Hook. He was a veteran of World War I.

Surviving are three sisters, Mrs. Rosa Shealy, Miss Julia Hook and Mrs. Ila B. Addy of Lexington; and a brother, L. O. Hook of Columbia.

Funeral plans will be announced by Dunbar Funeral Home, Gervais Street Chapel.

According to Columbia police, he died in the Hotel Wade Hampton of a self-inflicted gunshot wound.

A tenant of many years told the a number of times of his intention to live out his life at Miracle Apts where he was happier than anywhere else or ever before. The strain of situation with the underhand methods used by the Tricentennial Commission as to tenants, etc. was finally more than he could stand. The tenants who tried to remain experienced mental torture constantly. He was fair and square and true, but the weight of it all was finally too great for him.

His whole life was uprooted by the awful happenings, and he couldn't take any more.

THIS ORDER FILED OCTOBER 5, 1970, EVICTING OWNER AND TENANTS SEEN BY PETITIONER FOR THE FIRST TIME IN AUGUST, 1974, AMONG THE PERSONAL BELONGINGS OF GUY T. SAUNDERS WHO WAS DECEASED IN JULY, 1974.

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND)

(1)	Docket No. 3642
The South Carolina Tricentannial Commission and Daniel R. McLeod, as Attorney General of the State of South Carolina,	Condemnation Proceedings
Petitioners,	Judgment Roll No. 74394
vs.	
Annie Mary Timmons and Home Federal Savings and Loan Association,	
Respondents,	
(Condemnation Action)	
(2)	Docket No. 3650
Annie Mary Timmons,	
Plaintiff,	
vs.	
The South Carolina Tricentennial Commission and Daniel R. McLeod, as Attorney General of the State of South Carolina,	
Defendants.	
(Injunctive Proceeding)	

FILED
OCT 5 11 45 AM '70
JOHN P. HAGOOD
C.C.C.P. & G.S.

J.S.

#1

Still on appeal to U.S. Supreme Court

O R D E R

On August 27, 1970 I issued an Order vesting title in the South Carolina Tricentennial Commission to premises formerly of Annie Mary Timmons in the block bounded by Laurel, Pickens, Henderson and Blanding Streets in the City of Columbia. A condemnation proceeding instituted by The South Carolina Tricentennial Commission had resulted in an award to the landowner of $325,000 which amount has been deposited with the County Treasurer for distribution upon order of the Court.

BEST COPY AVAILABLE

At the same time, I directed that the Respondent, Annie Mary Timmons, and any and all persons acting for and under her, should have 30 days within which to surrender possession of the property. That time has now expired.

The attorney for The Commission has notified the Water Department of the City of Columbia and the South Carolina Electric and Gas Company that The Commission is no longer responsible for charges for utility services to the apartments located on said premises. The Court has been asked to ratify The Commission's request that water, electric and gas service to these apartments be discontinued. The Commission's counsel and the Attorney General have inspected said building personally. There are not more than 6 tenants in the premises at the present time and all of them who appeared with the exceptionsof Miss Timmons who is not living in the apartments presently and one Guy T. Saunders have made arrangements to vacate the premises by the end of this week.

The apartment buildings contain a vast amount of personal property and the Petition recites that this personal property has little or no value. I provided in my prior order that the Shariff of Richland County would be directed to enter said property and take such action as is necessary to remove the personal property of the Respondent, Annie Mary Timmons, from said premises and charge the costs of said removal against the award heretofore deposited in Court. The removal of property which is without value would be of no economic benefit to its owner nor would it cover the expenses of such a removal. I am of the opinion that the property should be sold at public auction 30 days after entry of this ordar unless Miss Timmons removes the same from the premises in the meantime.

BEST COPY AVAILABLE

The Respondent, Annie Mary Timmons, through her counsel applied to the United States Supreme Court for a Motion to Stay the judgment and proceedings in this Court. That Motion was denied by Chief Justice Burger on September 25, 1970 so that this Court has full authority in the proceedings and has the power to act to give to The Commission the exclusive possession of the property.

IT IS THEREFORE ORDERED:

1. That the City of Columbia through its Water Department is authorized and directed to cut off and terminate all water services to the apartment buildings located at 1620 Laurel Street (Building Numbers 1, 2, 3 and 4) as of Tuesday, October 6, 1970. By arrangement with The Commission the water services will be continued to the building at 1616 Laurel Street which is being leased as a restaurant by The Commission.

2. That the South Carolina Electric and Gas Company is hereby authorized and directed to terminate all electrical and gas services to the premises at 1620 Laurel Street (Building Numbers 1, 2, 3 and 4) as of Tuesday, October 6, 1970, with appropriate arrangements being made to continue these services at the building at 1616 Laurel Street known as Laurel Street Grill.

3. That the said Annie Mary Timmons and all other tenants and persons in said apartment buildings are hereby evicted from the same and the Sheriff of Richland County or his duly authorized representatives is directed to use such force as is necessary to evict the said Annie Mary Timmons and all tenants and persons occupying said premises.

4. That the Shariff is specifically directed to evict and remove one Guy T. Saunders from said premises, and, should

he persist in attempting to exercise any authority of or control over said premises, the said Guy T. Saunders shall be brought before me by the Sheriff.

5. During the period from now until Monday, November 2, 1970, Annie Mary Timmons shall have the right to remove any and all personal property of hers from said premises, and any other persons having property in said premises shall likewise have the right to remove the same.

6. Any property of hers or any other persons not removed by said date shall be deemed to have been abandoned and the Sheriff of Richland County or his duly authorized representatives shall sell the same at public auction on the premises at 1620 Laurel Street at 11 o'clock on November 2, for cash by lot as to each building, the proceeds to be used as follows:

a. For payment of the costs and expenses of the auction, including an advertisement of the same to be published in The State.

b. For payment of the balance, if any, to Annie Mary Timmons by deposit of the same in Court with disbursement to be made upon order of the Court in the event that any other persons make a claim against said fund within 10 days of said sale.

7. Nothing in this Order is to be construed as placing responsibility for said personal property with The Tricentennial Commission since an order directing all persons to surrender

possession of these premises as of September 28, 1970 has heretofore been issued by this Court, and the same has been posted on the premises and at the Courthouse and published in The State.

S/ John Grimball
JOHN GRIMBALL, Resident Judge
5th Judicial Circuit

Columbia, South Carolina
October 3rd, 1970.

Attest:
A True Copy
Clerk

#5

The Court order

Copy of Notes Attached to Order upon Discovery in Aug., 1974

History Making

7. In-One Order filed Oct 5, 1970

In Violation of many federal laws

This unusual order containing 7 separate orders to 7 diverse people, groups of people, and institutions, in my humble opinion rightfully unenforceable, was seen by me for the first time 4 years later in August 1974 after the death of Guy J. Saunders upon whom the outrageous paper was obviously served! Neither Owner nor tenants could be legally evicted, but they were!

This order constitutes many violations of federal laws. The owner and all occupants of the complex were guaranteed by federal law as set forth in OS 5 every right to remain in their homes or places of business undisturbed for 90 days after acquisition of title (in this case illegal and fraudulent taking) Aug 27, 1970. The attached order stamped 'filed Oct. 5, 1970' violates this law by about 15 days. The law explicitly states "the 90 day notice shall not be given prior to the date on which the Public Body acquires title to... the property."

The owner was making periodic trips to a N.C. hospital for tests to try to reduce dangerously high blood pressure brought on by false propaganda and persecution on the part of the Tricentennial Commission. Telegrams were sent to all concerned to the effect that she would return home in 10 days. The owner was relying on the protection

Afforded by the 90-day-notice law for time to get medical help and then to make the necessary arrangements. In this particular as well as in all others the Tri. precluded this owner from exercising her rights. This history-making order violated this law by 3-4 days.

The owners rights are further insured by another federal law, OS 5 Section 402, which states: "Owner not required to surrender property until (a) Agreed purchase price is paid (b) or 75 o/o of appraised fair value if amount is in dispute ----" Nobody had to move and the bldgs should have been safe under this law because the owner was not paid prior to dispossession and in truth not until this day.

This same order directing disconnection of water, gas, and electric lines to 163 living units paved the way for the sabotage of pipes and wires that took many years of building and planning with thousands of dollars to put into perfect working order, rendered all 163 living units uninhabitable, and left the valuable contents of the bldgs. unprotected from thieves and Tri. vandals; all of which were gross violations of Constitutional amendments IV, V, and XIV

This order singles out one poor old man who was ill, helpless, and homeless, for special persecution with Court approval after which he went down steadily until he died. This constitutional rights and those of other residents were held in contempt and crushed.

The order dated Oct. 5 gives the owner until nov. 2, 1970, less than 30 days from the filing of the order (not from the serving of the order because I saw the order 4 years later in Ft. Lauderdale, Fla.) to move the vast wealth of personal property in use and in storage without any ways or means of moving or any location to which to move despite the fact that the owner fighting for her life wouldn't even be home for 10 days. The order was obviously rushed through upon receipt of a telegram stating owner's return home.

The same order states further: "The apt. bldgs. contain a vast amount of personal property and the petition states that this personal property has little or no value ---. The removal of property which is without value would be of no economic benefit to its owner nor would it cover the expenses of such a removal .... I am of the opinion that the property should be sold at public auction 30 days after entry of this order unless Mrs. Timmons removes same from the premises in the meantime."

The Tri. must have wanted the "vast amount" the Court speaks of which has "no economic benefit to the owner" (even though it took that owner 25 years of unceasing labor and a fortune in money to amass her wealth of personal property) in a big way to bring about the making

of such an order for confiscation.

The Tri. tried to avoid even a pretense of an auction by offering Mrs. Plumer, who held rights to the property, $400 for the contents of the bldgs worth nearer $400,000 than the 400 she offered. She assured her that he was making a fair offer for everything there. Failing to steal the property from her, the Tri. had to arrange a trick auction which was expected to bring in 400 at best according to the tricentennials offer from one claimed to be the only one interested in the auction. The court aided the auction scheme by ordering everything sold in 4 bids, one blanket bid for each apt. bldg. including tremendous storage areas the length and breadth of the bldgs. loaded with goods. Real inspection of the contents was impossible making the auction slated for nov. 2 a complete farce.

The order was capricious and arbitrary based only on the Tri. statement that her vast personal property was 'worthless so why not leave it all for the Tri?' It was a well recognized fact that removal of so much was well nigh impossible and the conclusion was that the Tri. would automatically become the recipient of everything there. The order is a direct violation of the following constitutional amendments and laws:

(1) Amendment IV
(2) Amendment V
(3) Amendment XIV

(4) Law of Relocation OS 5⁻, which provides for setting up the condemnee in business in a different location of equal desirability, acceptable dimensions, and comparable value.

5) The contract for this very grant between the Tri and the Federal Govt. insuring relocation help. The contract clearly emphasizes the importance of the Relocation grant which would give the owner a maximum of $8,200 for the removal of her property. That amount would have been sufficient to move and house the many trailer van-loads until 163 apts and restaurant could be located for the permanent placement of this mass of personal property.

This order and Tri. violation of the Law forced the owner to attempt the impossible, the removal of the contents of 163 homes plus all the storage consisting of furniture, appliances, antiques, bldg. material and a large portion of records for 25 years proving the worth of the property. The Tri. was well aware of the fact that such a feat under the existing circumstances could not be accomplished successfully. Much valuable property was lost, stolen, damaged destroyed or left at the site from which owner and occupants were barred entrance with no safe warehouses in which to store the contents that were moved the goods were stolen from, damaged, and continually sabotaged.

(6) Law demanding 90 days notice. The order for auction, in addition to being the same as confiscation, violated the federal law as set out in OS 5⁻ making mandatory the 90-day notice after the date of acquisition of title on Aug. 27, 1970.

Besides creating the necessary legal props to make the Tri. the owner of all my long-worked-for and highly-paid-for personal properties, the order gives the Tri. full control of my fortune without any responsibility whatever for same during the 29 days between the order and the illegally-fixed auction sale of Nov. 2, 1970 and without the protection of the tenants, who had been evicted out of the way.

The order further makes the Tri. innocent and blameless in the event of anticipated theft of any part of the said property. The Tri. attorney had told me during his daily efforts to break me down prior to the trial that he meant to take my property and added: "I'd like to remove all your personal property with my own hands." whatever was done by anybody was already declared blameless.

It is no wonder that thieves or others stole many thousands of dollars worth of personal property from the owner's living quarters

office, and a special storage room such as typewriters, tape recorders, radios, antiques, records of improvement for 25 years, the owners large array of dresses, tailor-made suits, jewelry, and thousands of other items, leaving the owner without a home, an office, without any possibility of future income and with the clothes she was wearing.

This confiscation of personal property from the owner's living quarters and office carried with it the identical violations of Federal laws as was true of the removal of the vast personal property, to wit:

(1) Amendment IV
(2) Amendment V
(3) Amendment XIV
(4) 85-5 - Relocation and substitution of equal accommodations.
(5) Contract between Tri. and Hud, guaranteeing Relocation with equal sums from each and a maximum of $8,200
(6) Mandatory 90-day notice to owner and tenants; 055-

And finally this order for continuing service of water, electricity, and gas in the restaurant for the clearing of same by the Tri violates the Federal law for mandatory demolition as set out in 055. For the Tri. to hold my equipment for continued operation of the restaurant would also violate Amendments IV, V, and XIV.

What fraudulent and illegal operations were called for by this unique order!

IN THE SUPREME COURT OF THE STATE OF SOUTH CAROLINA

Annie Mary Timmons, Appellant	)	
	)	
vs.	)	NO.
	)	
John B. McGrath, Appellee	)	

NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES

Notice is hereby given that Annie Mary Timmons, the Appellant above-named, hereby appeals to the Supreme Court of the United States from the final order of the Supreme Court of South Carolina denying appellant's petition for rehearing entered in this suit on May 5, 1977.

This appeal is taken pursuant to United States Code Title 28, Section 1257(2) and 1257(3).

Annie Mary Timmons

Annie Mary Timmons
3104 Monroe Street
Columbia, S. C. 29205

This is one of many documents used in an attempt to get the Court to pay 2 mortgage balances due the C & S Bank and the 1st Federal Savings and Loan association. The Court refused to pay.

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND)

EX PARTE:)
) DOCKET NO. 3642
The Citizens and Southern National) JUDGMENT ROLL NO. 74394
Bank of South Carolina,)
)
IN RE:)
)
The South Carolina Tricentennial)
Commission and Daniel R. McLeod,)
as Attorney General of the State)
of South Carolina,)
)
Petitioners,)
)
-vs-) AFFIDAVIT
)
Annie Mary Timmons,)
)
Respondent)

PERSONALLY appeared before me the undersigned Annie Mary Timmons who, on oath, affirms that she is justly and truly indebted to The Citizens and Southern National Bank of South Carolina in the amount of Two thousand eighty and 44/100 ($2,080.44) Dollars on an unsecured negotiable promissory note and in the amount of Thirty-two thousand three hundred forty-three and 43/100 ($32,343.43) Dollars on a negotiable promissory note secured by real estate situate in the County of Richland, State of South Carolina in a total amount of Thirty-four thousand, four hundred twenty-three and 87/100 ($34,423.87) Dollars. Further, that there is presently pending in Richland County litigation styled "Annie Mary Timmons v. Great American Insurance Company and The Citizens and Southern National Bank of South Carolina", which litigation involves fire loss to certain improvements belonging to affiant. If such litigation is concluded favorably to your affiant, as much as Four thousand, five hundred ($4,500.00) Dollars of the abovementioned indebtedness could be paid to said The Citizens and Southern National Bank of South Carolina.

Your affiant desires to pay the amount of the above stated obligations, less the Four thousand five hundred ($4,500.00)Dollars, which portion of the total obligation will be worked out between the parties after the litigation is concluded, to The Citizens and Southern National Bank of South Carolina,

said payments being to the affiant's advantage in that interest will cease to accrue on the obligations and that legal proceedings by said Bank, possibly involving attorney's fees, can be avoided. Upon the signing of an Order by the Judge of the Fifth Judicial Circuit of the State of South Carolina authorizing payment to The Citizens and Southern National Bank of South Carolina of the amount of Twenty-nine thousand, nine hundred twenty-three and 87/100 ($29,923.87) Dollars, which represents principal and interest on these obligations through the date of November 15, 1971, I, Annie Mary Timmons, consent to the said disbursements being made from the monies belonging to me which are on deposit with the Clerk of Court for Richland County, with the understanding that the said disbursements will discharge, except to the extent of Four thousand five hundred ($4,500.00) Dollars, the liens or claims of said The Citizens and Southern National Bank of South Carolina and that said payment will be without prejudice to any positions, any claims or actions hereinafter to be asserted by me and that said disbursement is not to be construed as subjecting me to the jurisdiction of this Court as to any matter now pending, except insofar as jurisdiction is attached already in other proceedings.

Annie Mary Timmons

Sworn to before me this _____day

of _____, 1971.

_____(LS)
Notary Public for Florida

My Commission expires_____

3104 Monroe Street
Columbia, S. C. 29205
May 28, 1977

Mr. J. Wesley Drawdy
Attorney at Law
2014 Sumter Street
P. O. Box 1413
Columbia, South Carolina 29202

Dear Mr. Drawdy:

Re: Motion Civil Action No. 74-2023

The copy of your motion concerning the case against the city mailed to me May 16, 1977 states that I discharged you as counsel in this action "and several other pending actions," that in the past you were unable to obtain my cooperation, and that you had been paid no fees in this action. You enclosed with your motion a bill for $12,000.

First of all I have not discharged you as counsel in any case at all but you deserted me at the most crucial moments possible in every case such as just before the trial or hearing in each case was beginning, causing me more heartache, pain and anguish than can be expressed. Perhaps you, the last lawyer in the Tricentennial case and other matters a part of that case, thought that was the thing to do as the first lawyer in the case laid out the same pattern of action. I can't account for your distorted view of an attorney's responsibility to a client.

As for cooperation, I am a firm believer in that and do not fail there. Perhaps it is possible to appear uncooperative sometimes if the opportunity for cooperation is not made available to one and there is nothing with which to cooperate.

Concerning your $12,000 bill for this action, I know you can't be serious. Even if I owed you any amount at all, your quitting the case would change that. I can't say whether or not you applied to this case any of the money I paid you when you would ask for it. You talk as if I had never paid you a dime. I did pay you, however, whatever the money was used for, and had you not been disloyal and deserted me every time legal protection and representation were necessary, I would have at least the necessities of life and you would be somewhat richer.

Without taking the time to look up any checks now, I do recall off hand several sums paid you in the amounts of $3 000, $3 500, $5 000, $2 000, $1 400. Since you walked out on your client time after time leaving her to the wolves and not even notifying her (as you did this time), in the eyes of justice-if there be any-you owe me this amount plus any others paid you and much more.

Please don't think that I do not appreciate your efforts on my behalf as long as you were headed in the right direction. But even these efforts are worthless to anyone if, when the going gets rough, one can see only the dust of desertion in lieu of ammunition for protection.

I feel forced to correct the misstatements on which your motion is based.

Sincerely yours,

Annie Mary Timmons

CC: The Honorable Miller C. Foster

Law Offices
McKay, Sherrill, Walker, Townsend & Wilkins
Douglas McKay, Jr.
Henry P. Sherrill
Julius W. McKay
E. Ellison Walker
William H. Townsend
Robert P. Wilkins
Jean Galloway Bissell
Albert L. Moses
Ernest J. Naufel, Jr.
Thomas H. Timberlake, Jr.
Sherwood M. Cleveland
The Williamsburg Building
1340 Bull Street
Post Office Drawer 447
Columbia, South Carolina 29202
Telephone
803/779-4130

Purchased in 1960

March 13, 1972

Miss Rose Marie Timmons
205 S. E. 2nd Avenue
Fort Lauderdale, Florida

Dear Miss Timmons:

The hearing in your case against Great American Insurance Company was postponed and has been rescheduled for 10:00 o'clock a.m. on Thursday, April 27th.

My claim is against the Bank, not Ins. Co.

The insurance company has now conceded for all practical purposes that they will have to pay to the bank the face amount of the policy. However, they take the position that they are entitled to be subrogated to a claim against you personally in this amount as they claim that the use to which the property was being made was changed by you after the policy was issued but without notification to the insurance company.

Lie used as a night club Constantly shortly after purchase in 1960

They claim and Mr. Wade states that this is his recollection of the fact that at the time the loan was initially made the building was in fact being used for residential purposes. The later change to commercial use resulted in an increased risk which would be in violation of the policy terms.

The insurance company has offered to settle this case by paying the $4,500.00 to the bank and then taking a subrogation claim against you in the amount of $3,500.00 which amounts to an offer of $1,000.00 net to you. This would not be a cash payment to you but would mean that when the mortgage is paid down to $4,500.00 the insurance company would receive an assignment of the mortgage from the bank and you would then owe $3,500.00 rather than $4,500.00.

The Ins Co wants this Pkt. to take care of its obligations

Before I can advise you properly in this matter, I will need to know what use was made of this property at the time the bank made the loan to you and at the time the insurance policy was issued. The bank loan was made on July 31, 1964, and the insurance policy was issued on July 24, 1966, for a three-year term. The fire occurred on or about August 29, 1968.

a night club in 1960 until a few years after purchase

It will be very much appreciated if you will let me hear from you at your earliest convenience concerning these matters.

With best regards, I am

Very truly yours,

William H. Townsend

WHT:ra

Aug 27, 1974

There were three tenants to be sued for damage of Laurel Street goods when owner ordered to remove them.

Then damages that appeared to be ultimate occurred, but Mr. Winter refused to allow Permits issued for repairs.

He ordered the Tenants

Aug 27, 1974

repaired but Prevented repairs by blocking permits from 1971 through 1977 on June 25, 1977. Thereby stole over $300,000 worth of rehabilitation and the bldg were deliberately turned, loss causing a loss in goods, Tenants and rent of 1,756,000 for 7 years.

sday, April 14, 1970

Miss Timmons Makes New Try To Stop Condemnation

By ANNE MARSHALL
Record Staff Writer

A double-barrelled attempt to fend off condemnation by the Tricentennial Commission was made in the S. C. Supreme Court today by a Columbia landowner.

Attorneys for Miss Annie Mary Timmons asked the high tribunal to turn back two rulings made against her concerning the Miracle Apartments on Laurel street, which she owns and operates.

They claimed that condemnation authority given the commission for reconstruction of the Hampton-Preston House and gardens is unconstitutional.

The second appeal arises from a December jury verdict which awarded Miss Timmons $425,000 for her five buildings, which contain 163 apartment units and a restaurant.

The disputed property is directly behind the historic home that will be opened Saturday to the public as Columbia's contribution to South Carolina's 300th anniversary celebration.

If the court upholds previous decisions, this property, containing about 60,000 square feet, will be used for restoration of the garden of the Hampton-Preston House.

Counsel for Miss Timmons argued that her constitutional rights had been violated in that the commission does not lawfully have the power of eminent domain, that it was provided by special legislation only to secure the Timmons property.

"Miss Timmons would not sell and the only way the Commission could get this property is through this act."

The Judiciary Committee assumed the act only on assurance it would have only one sole, specific purpose, he claimed.

Another attorney for Miss Timmons argued that there was no public necessity to acquire the property. He said the property would probably be used during the Tricentennial for parking space and could later be disposed of as the commission sees fit with the money reverting to the state treasury.

This, he said, "would be a temporary use," specifically forbidden under eminent domain.

"There is no public use or necessity for taking Miss Timmons property," the counsel said.

Both lawyers asked that the injunction, previously imposed on the commission, be reinstated and that the ruling of Judge John Grimball in September be reversed.

Counsel for the commission said that the Timmons land was to be acquired with funds from the Department of Housing and Urban Development and could be used only to acquire and maintain such property for such activities as parks and recreational activities. He argued that the 1968 enactment of the General Assembly was in the best sense of the word, "specific," since it stated that the property must stay in use as a park.

Counsel said that there was nothing ambiguous, confusing or unusual about the act.

He declared that witnesses had testified explicitly about the need to acquire the entire block for the Tricentennial celebration.

The block in question is bounded by Pickens, Laurel, Henderson and Blanding streets.

* There was no testimony as to the specific need for my property. There was discussion in that first confussed hearing as to it's being used for parking (not leased and too small for that) also covered with 5 acres of a fancy curved driveway etc. Nothing was definite as to any necessity at all for the public. The only definite thing was that the Tricentennial desired my property and intended to take it. It was strange that the Tricentennial had no definite plans for an alleged urgent public "necessity". It seemed that the secret plan was to hold the bldgs for use while brainwashing the public and hoodwinking HUD

"Special" legislation law illegal! Made for owner of this property only!

my valuable property stolen out of Hand.

all requirements for acquisition by HUD were ignored or broken

clearly FRAUD

HUD furnished the money to pay for the property which was never paid for.

A man from Atlanta, Ga., who I assume was visiting the legislature at the time of this enactment, called me on the phone and said he could not leave Columbia, SC. without at least talking with individual against whom a State Legislature enacted a law. He said he'd see him. He said thought such a thing take place. He seemed by the chance to talk impressed with me that only one approved one more.

I wanted $950 per property. No offers had been made.

401

Calendar No. S. 170

Introduced by SENATORS BRISTOW, BROCKINGTON, OWENS and RUBIN

S. Printer's No. 71—S. Read the first time February 27, 1969.

THE COMMITTEE ON JUDICIARY

To whom was referred a Joint Resolution (S. 170), to amend Section 3 of Joint Resolution No. 925 of the Acts and Joint Resolutions of South Carolina, 1956, etc., respectfully

REPORT:

That they have duly and carefully considered the same, and recommend that the same do pass.

PAUL B. MOORE, for Committee.

A JOINT RESOLUTION

To Amend Section 3 of Joint Resolution No. 925 of the Acts and Joint Resolutions of South Carolina, 1956, as Amended by Joint Resolution No. 1141 of 1966, Relating to Powers of the South Carolina Tricentennial Commission, so as to Add the Power of Eminent Domain.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 3 of Joint Resolution No. 925 of 1956, as amended, is further amended by changing the period at the end of item (8) to a comma and adding: "including the exercise of the power of eminent domain in the manner prescribed in Chapter 3, Title 25 of the 1962 Code; *provided*, that, notwithstanding the provisions of Section 25-128, if the petitioner should abandon the condemnation proceeding, the owner shall be entitled to receive from the petitioner his costs and expenses, including a reasonable allowance for attorneys' fees, incurred in the proceeding, and the amount of such costs and expenses shall constitute a lien for the payment

Eminent D

thereof upon any award theretofore deposited in the proceeding by such authority. *Provided*, further, that the Attorney General shall be made a party to the condemnation proceedings." The item when amended shall read as follows:

"(8) to do such other things as it deems necessary in order to carry out the provisions of this act, including the exercise of the power of eminent domain in the manner prescribed in Chapter 3, Title 25 of the 1962 Code; *provided*, that, notwithstanding the provisions of Section 25-128, if the petitioner should abandon the condemnation proceeding, the owner shall be entitled to receive from the petitioner his costs and expenses, including a reasonable allowance for attorneys' fees, incurred in the proceeding, and the amount of such costs and expenses shall constitute a lien for the payment thereof upon any award theretofore deposited in the proceeding by such authority. *Provided*, further, that the Attorney General shall be made a party to the condemnation proceedings."

SECTION 2. This act shall take effect upon approval by the Governor.

——XX——

Dec, 1969

Walton Greaver / Mid Appraiser

Notes taken from Greaver's (Tricentennial) Appraisal of 1620 Laurel and properties nearby and adjacent

Pulliam Motor - adjoining
Land 240,000 50,527 sq. ft @ 4.75
Improvements 62,000
Total 302,000

Blackstone plumbing - adjoining
Land 73,600 - 16,350 @ 4.50
Bldg. 30,400
Total 104,000

Guimarin Pl. Co.
Land 67,250 - 16,810 @ 4.00
Bldg. 66,650
Total 133,900

Plumbers Union
Land 13,100 - 4,360 @ 3.00
Hall 14,600
Total 27,700

1620 Laurel - Miracle Apts and Restaurant
Land 252,433 - 59,396 @ 4.25
Improvements 000 000 - 1
Total 252,433

Filled this was omitted to discuss

Remarks: "The per front foot value concept in this type of property does not appear to exert significant influence in the market."

404

From Letters on File Concerning Payment to Timmons

John B. Allen, Jr.
Attorney at Law
7356 Sumter Highway
Columbia, S. C. 29209

Quotations From Letters

May 3, 1974

"Judge Grimball's requirements to release this fund is for me to make arrangements for you to physically be present either in a formal proceeding or in an informal proceeding in his office in which you will formally state, in his presence, what you want done with your money, i.e., who to have the check issued to, and sign a release against anyone involved in these funds, stating that you have NO CLAIMS AGAINST ANYONE INVOLVED IN THE PROCEEDINGS against your properties involving the Tricentennial vs. yourself."

May 28, 1974

"I have also again interviewed Judge Grimball; however he is adamant in his demand that you be PRESENT PHYSICALLY PRIOR TO RELEASE OF THE FUNDS."

(Signed) John B. Allen, Jr.

405

1971

Record
Apr. 6, 1971

(See "B" Page 13)

Columbia Record 4/6/71

Process Servers Seeking Miss Timmons In Florida

By ANNE MARSHALL
Record Staff Writer

Several legal process servers will be coming [illegible] Lauderdale, Fla., this week seeking a former Columbian with orders notifying her that some money will be paid out from her funds.

Miss Annie Mary Timmons, who received a $325,000 condemnation award for her Miracle Apartments complex here, has seldom surfaced for the last six months, much to her creditors' dismay.

Following a day-long hearing yesterday by resident circuit Judge John Grimball, it was finally determined that Miss Timmons could be located at 228 E. Los Olas St., in Fort Lauderdale.

The judge ordered that her mortgage holder and former attorneys who have been legally determined to be bona-fide creditors may collect their funds, now held in Richland county, if they can offer proof that Miss Timmons received a copy of the court's orders.

He said service must be made by a law enforcement officer or legal process server and Miss Timmons has from 20 to 60 days from date of service to contest the claims.

At times the court has heard from Miss Timmons from various places in North Carolina but she has refused to return to Columbia to collect the condemnation money in custody of Richland County Clerk of Court John R. T. Major.

Testimony from numerous witnesses yesterday was to the effect that Miss Timmons would not accept any certified mail but that no mail sent by regular first class was ever returned to the sender.

The Laurel street property was condemned by the S. C. Tricentennial Commission as part of the area surrounding the Hampton-Preston House.

The commission turned the money over to the court in November.

against Hud laws

The newspaper makes it appear to the public that I might be a criminal sought by the home State.

Couldn't collect it! the Court paid it out to anyone but me, the owner.

Had no creditors or debts except 2 balances on mortgages held by C&S and 1 ~~Federal~~ which Court refused to pay. But the Court did pay 10,000 to the crook Fantaco, whom I did not owe, without any permission from me at all. The 65,000 referred to, which was money borrowed for attorneys, was the only true debt paid by the Court.

First Federal Savings & Loan Association of Cayce

615 Knox Abbott Drive
P. O. Box 123
Cayce, S. C. 29033

December 24, 1971

Concerning pmt of mortgage balances from Court funds which the Judge refused to pay

Miss Annie Mary Timmons
23 E. Las Olas Boulevard
Ft. Lauderdale, Florida

Dear Miss Timmons:

As per your instructions we are enclosing an order and affidavit for your signature. Please get these signed in the presence of a Notary Public. We have indicated places for you to sign.

We are enclosing picture copies of the above items which you can retain for your records also, enclosing a stamped self addressed envelope in which you can return the above papers.

Wishing to you the happiest of New Years and if we can be of service in any manner feel free to call on us. With kindest personal regards I am,

Yours very truly,

Billy L. Williams

Billy L. Williams
President

BLW/cg

Amount insured up to $20,000 by The Federal Savings And Loan Insurance Corporation, an agency of The United States Government

1976

STATE OF SOUTH CAROLINA)
) IN THE COUNTY COURT
COUNTY OF RICHLAND)

Annie Mary Timmons,

Plaintiff,

vs.

John T. Campbell, Graydon V. Olive, James E. Altman, Joe E. Winter, H. R. Montgomery, and the City of Columbia,

Defendants.

RULE TO SHOW CAUSE AND TEMPORARY RESTRAINING ORDER

Upon consideration of the verified complaint in the foregoing action from which it appears that Plaintiff stands to suffer irreparable damages if temporary relief is not granted in the premises, it is

ORDERED that the Defendants herein show cause before me at Chambers in the Richland County Courthouse on the 18th day of January 1977 at 8:15 o'clock A. M. why the temporary relief prayed for in the complaint should not be granted and it is further

ORDERED that the Defendants be and they are hereby temporarily restrained from actions against the Plaintiff and her properties pending their return to this rule to show cause.

AND IT IS SO ORDERED.

LEGARE BATES, SENIOR JUDGE
RICHLAND COUNTY COURT

Columbia, South Carolina

12/11, 1976.

409

3104 Monroe Street
Columbia, S. C.
September 27, 1976

The South Carolina Tax Commission
P. O. Box 125
Columbia, South Carolina

Attn: Chairman Robert C. Wasson

Re: Appeal for refund 6 properties and reduction of tax 1 property

Dear Sirs:

After my last hearing before the Richland County Board of Assessment Appeals August 24, 1976, I was instructed by decision of September 10, 1976 to appeal to The South Carolina Tax Commission as being the only power authorized to grant refunds and the proper power for appeal over the Board's decision, with which I disagree, as to reduction of assessment and taxes on U. S. 1 N. property.

The properties and 3 requests in connection with same are stated as follows:

(1) TMS 029-01-14, TMS 074-11-13, TMS 074-07-01, TMS 079-02-04, TMS 074-11-01 — Refund of property taxes paid on buildings purchased and built for rental purposes and officially forced to be non-productive about 1971.

(2) TMS 659-01-18 C — Refund of taxes paid on building burned 8 years ago.

(3) TMS 659-01-18 A — Reduction of tax while property was damaged about 50%, taxes soared in one year from $193 to $1196.18.

I respectfully request a hearing before the South Carolina Tax Commission on my urgent appeals.

Sincerely,

Annie Mary Timmons

AMT:bs

409

State of South Carolina

South Carolina Tax Commission

ROBERT C. WASSON
CHAIRMAN

Columbia

RAYMON B. FIOCK, JR.
CHARLES N. FLOWDEN
ROBERT C. WASSON
COMMISSIONERS

scheduled - not heard
Hearing S.C. Tax Commission
Jan 25, 1976

January 7, 1977

Ms. Annie Mary Timmons
3104 Monroe Street
Columbia, South Carolina 29205

Re: Notice of Appeal of
Annie Mary Timmons
Dated September 27, 1976.

Dear Ms. Timmons:

I have received the certified copy of the record and transcript of your hearing before the Richland County Board of Assessment Appeals and am scheduling a Hearing for you before the Commission on Tuesday, January 25, 1977, at 11:00 A. M.

The Hearing will be held in Room 115, Calhoun State Office Building (Corner of Senate and Sumter Streets), Columbia, S. C.

Yours very truly,

Robert C. Wasson

Robert C. Wasson, Chairman
South Carolina Tax Commission

RCW:ml

CC: Mr. Frank A. Burgdorf, Secretary
Richland County Board of Assessment Appeals

Mr. Herman M. Rogers
Richland County Assessor

Condemnation a triple purpose ?

Condemnation

- To HUD → Open Space for parks and whatever is contained in part II of the contract and exhibit A which are not open reading
- To the people of S.C. → Urgent urbanism Public Necessity for 1970 only. The propaganda injected but somehow didn't inform the Public was used just as HUD was used to steal the Property
- To the instigators → injected help for a yearned-for tourism sure to boom and make them rich with the hoped-for coming to Columbia for the Tri-celebration of high personalities (Queen Elizabeth and Nixon were named as having been especially urged to attend to serve in this capacity)

Tricentennial Director Seale states parking as "the purpose for the condemned property (200' frontage with 3 million dollars with 3 million dollars worth of Bldgs on it) Queen Elizabeth and Pres. Nixon to visit S.C. and draw crowds to swell somebody's coffers by Tourism.

The State Mar 10, 1970

Tricentennial Officials

Jittery, But Satisfied

By LEVONA PAGE
Governmental Affairs Staff

State Tricentennial officials are suffering from the jitters but are relatively satisfied with progress toward the April 4 opening of South Carolina's 300th birthday celebration.

"I would feel a lot more comfortable if things were ready right now," said Jim P. Demos, director of the Charles Town Landing Park, the site where South Carolina's first settlers landed and where the year-long celebration of the state's 300 years officially begins.

"We could be better off than we are, but—as of today—I think we will be ready on time," he said.

Columbia Tricentennial Director Dr. William Seale, who has supervised restoration of the capital city's historic Hampton-Preston House, said the site would be ready "right before time" for its April 18 opening.

Seale said Tricentennial officials are disappointed that a property owner's court suit has so far prevented them from obtaining all of the property on the block surrounding the house. A large apartment complex is still standing directly behind the house and covers an area that the Tricentennial officials wanted for parking. "It detracts, but that is our cross to bear," Seale said.

Former Hemisfair official Vito Passemante has recently joined the Tricentennial staff as director of the Greenville center, a modern diamond-shaped structure which is going up on Roper Mountain. That center is expected to be ready for its early May opening.

The year-long Tricentennial celebration costing about $19 million, will be kicked off in Charleston on April 4 with a parade, to which such dignitaries as President Richard M. Nixon and English royalty have been invited, it is still uncertain whether any will come.

Demos, a former Atlanta theater executive, said the 184-acre Charles Town Landing site will have something for everyone, ranging from its colorful gardens of azaleas and other spring flowers, to an animal forest, where animals native to the area will be seen in their natural habitats. There will be electric touring carts for persons opposed to walking over the area and bikes for the more energetic. Charges for these and parking are expected to be determined when the state Tricentennial Commission meets in Columbia Wednesday.

The pavilion, as of now, is scheduled to be ready, along with its historical exhibits, when the celebration opens, Demos said. The theater, where visitors will see a film orienting them to the park and to the entire Tricentennial celebration, will not be completed until about mid-April, he said.

It is uncertain whether the replica of the ship which South Carolina's first settlers traveled in will be complete and ready for viewing at the landing site by April 4. It is now being built in Maryland and is to be towed down the coast to Charleston in about two weeks. Finishing touches will be put on when it arrives.

Various events are being scheduled at the pavilion, including performances by the Baptist College chorus on April 14; the Charleston Trident Honor Band on April 28; the Green Dolphin, a Charleston acquatic team, on May 3; the Trident Stage Band on May 6; and the Bishop England High School Band on May 7. Other groups interested in performing at the site are being asked to contact Demos for scheduling.

The setting for the Tricentennial celebration will shift to Columbia on April 18 when the Hampton-Preston House, a prominent dwelling place dating

(See OFFICIALS, 1-B, Col. 1)

Officials Satisfied

(Continued From 1-B)

back to pre-Civil War days, officially opens at 2 p.m.

The house, which has been restored with furnishings reminiscent of the 1850's, will be flanked by two portable pavilions that will contain exhibits being designed by an official of the Washington, D. C., Smithsonian Institute.

Opening day will be "colorful and military," Seale said. Military drills will portray the four wars: the Revolutionary War the War of 1812, Mexican War and the Civil War.

The front porch of the house will serve as a stage for several events during the following weeks, including a portrayal of the burning of Columbia.

"It is very significant that little more than 100 years ago this town was burned to the ground," Seale said. "We are not going to try to stage a 'Gone With the Wind', but we will portray the burning with sound and light and a dramatic reading from old diaries."

Seale said he is satisfied with the progress of the Columbia project because "basically it is what we wanted. We had ideals that we had thought about for a year and we have had to take second best at times and we had to get used to that."

The Tricentennial officials are hoping that the centers in Charleston, Columbia and Greenville will attract enough tourists dollars and inspire enough interest in the state's history to make the whole celebration worthwhile.

Purpose of Condemnation? A transfer of parking places after demolition of 3 million dollars worth of Bldgs during about 4 mos. of 1970. Queen Eliz. and Nixon were to draw the tourists

subject happened? No parking spaces all else needed ② Bldgs covered the lot during 1970 for untied Condemned ③ The Queen and the Pres. didn't show up. ④ Nobody knew or knows as yet what to do with the stolen property. ⑤ The owner, robbed of millions by fraud, his death, the system of poverty and suffering ⑥ Thousands have been denied homes and food by this fraud on the owner, the people, and the federal Government ⑦ The loss of these fine Bldgs is a crime against the owner, the State, the people, the fed. govt. and God.

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413

AFFIDAVIT OF SERVICE

In accordance with Rule 33 3c and 31 3 of the Rules of the Supreme Court of the United States I certify that I have this 29th day of June, 1977 filed 40 copies of the Petition for Extraordinary Writs in the Clerk's office and have mailed the required copies of the Motion for Leave to File Petition and the Petition for Extraordinary Writs to the Solicitor General and all the parties deemed to be respondents in the proceeding in this Court as follows:

The Honorable Albert V. Bryan, Senior
United States Circuit Judge
The Honorable J. Baxter Craven, Jr. and
The Honorable John A. Field, Jr.
(The United States Court of Appeals
for the Fourth Circuit
Richmond, Virginia)
The Honorable Daniel R. McLeod,
Attorney General of S. C. and
Attorney of Record for
Thomas O. Lawton et al,
P. O. Box 11549, Wade Hampton State
Office Building, Columbia, S. C. 29201
The Honorable Brantley Harvey, Lt.
Governor of the State of South Carolina
and President of the S. C. Senate,
The S. C. Legislature, Columbia, S. C.
The Honorable Rex Carter, Speaker of
the S. C. House of Representatives,
the S. C. Legislature, Columbia, S. C.

The Honorable Robert H. Bork
The Solicitor General, Department of Justice, Washington, D. C. 20530
The Honorable Donald Alexander,
Commissioner of Internal Revenue, Washington, D. C.
Mr. Joe Winter, Head Rehabilitation Department of the City of Columbia, City Hall, Columbia, S. C.
The Honorable Woodrow Lewis,
Chief Justice, S. C. Supreme Court
Box 11330, Columbia, S. C.
(Also with same address the 4 following Associate Justices):
The Honorable Bruce Littlejohn
The Honorable Julius B. Ness
The Honorable W. L. Rhodes, Jr.
The Honorable George Gregory, Jr.
The Honorable John Grimball, Judge of the Court of Common Pleas.
Richland County Court House,
Columbia, S. C.
The Honorable George Bell Timmerman
Judge of the Court of Common Pleas,
In Care The Lexington County Courthouse, Lexington, S. C.
Mr. Billy L. Williams, President of the First Federal Savings and Loan Association
615 Knox Abbott Drive, P. O. Box 123, Cayce, S. C.
Mr. Robert Fowlkes, Fowlkes Agency, Inc.
1600 Bull Street, Columbia, S. C.
Mr. C. H. Brooks, Director Income Tax Division, The S. C. Tax Commission, Columbia, S. C.
Attorney Arthur T. Cole, 2801 Devine Street, Columbia, S. C.
The Honorable John T. Campbell,
Major of the City of Columbia,
Columbia, S. C.
The Honorable Robert C. Wasson,
Chairman S. C. Tax Commission
Columbia, S. C. 29202

The Honorable Sol Blatt, Jr.,
Judge U. S. District Court of the District of S. C.
Columbia, S. C.
Mr. Robert V. Royall, Jr., President
The C & S National Bank of S. C.,
Jefferson Square, Columbia, S. C. 29222
Mr. Paul W. Cobb, Chief Highway Commissioner,
Box 191 - 1100 Senate Street
Columbia, S. C. 29202

Annie Mary Timmons

Annie Mary Timmons
3104 Monroe Street
Columbia, S. C. 29205

Sworn to and subscribed before me this 29th day of June, 1977.

B. E. Woolbert

Notary Public of South Carolina
My commission expires
Oct 6, 1978

Supreme Court, U. S.
FILED
JUL 28 1977
MICHAEL RODAK, JR., CLERK

SUPREME COURT OF THE UNITED STATES

_____ Term, 1977

No. 77-38

Annie Mary Timmons,

Petitioner,

vs

Thomas O. Lawton, Jr., et al.,

Respondents.

ON MOTION FOR LEAVE TO FILE PETITION FOR EXTRAORDINARY WRITS
AND
PETITION FOR WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT AND OTHER PARTIES

BRIEF OF RESPONDENT GRIMBALL IN OPPOSITION

Daniel R. McLeod
Attorney General

C. Tolbert Goolsby, Jr.
Deputy Attorney General

Karen LeCraft Henderson
Assistant Attorney General

P. O. Box 11549
Columbia, S. C.

ATTORNEYS for Respondent Grimball

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SUPREME COURT OF THE UNITED STATES

_____ Term, 1977

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Annie Mary Timmons,

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ON MOTION FOR LEAVE TO FILE PETITION FOR EXTRAORDINARY WRITS
AND
PETITION FOR WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT AND OTHER PARTIES

BRIEF OF RESPONDENT GRIMBALL IN OPPOSITION

JURISDICTION

For the purpose of this Brief only, the respondent Grimball assumes, without conceding, the Court's jurisdiction herein. Cf., Parr v. United States, 351 U.S. 513, 100 L.Ed. 1377 (1956); Deen v. Hickman, 358 U.S. 57, 3 L.Ed.2d 28 (1958).

QUESTION PRESENTED

Whether the extraordinary writs of mandamus or prohibition, or both in the alternative, should issue from the Court directing South Carolina Circuit Court Judge John Grimball to account for the disposition of the petitioner's unclaimed funds deposited with the Clerk of Court for Richland County, South Carolina, and thereafter disbursed in satisfaction of judgments obtained against the petitioner?

STATEMENT

The petitioner's real property was taken through a condemnation action by the South Carolina Tricentennial Commission ("Commission") for use in the celebration of the three-hundredth anniversary of the State of South Carolina. Timmons v. South Carolina Tricentennial Commission, et al., and South Carolina Tricentennial Commission, et al. v. Timmons, 254 S.C. 378, 175 S.E.2d 805 (1970), appeal dismissed and certiorari denied, 400 U.S. 986, 27 L.Ed.2d 435, petition for rehearing denied, 401 U.S. 949, 28 L.Ed.2d 233 (1971). The Commission acted pursuant to Act No. 562 of the 1969 South Carolina General Assembly in acquiring the land. 56 STAT. 945 (1969). The petitioner was offered three hundred twenty-five thousand ($325,000.00) dollars in compensation for her property but she failed to claim it.

Accordingly, on August 27, 1970, the respondent Grimball, Resident Judge of the Court of Common Pleas for Richland County, South Carolina, ordered that sum deposited with the Richland County, South Carolina,Clerk of Court. Petition, App. at 381.

Subsequently, as the record would reveal, various claims against the petitioner by her creditors and others were filed with the court and ripened to judgment. Satisfactions were had from the sum deposited so that the balance as of the last disbursement on September 8, 1976, was eight thousand two hundred forty-seven and 63/100 ($8,247.63) dollars. The record would also reveal that disbursement was made pursuant to six (6) partial distribution orders, each having been issued after duly instituted, regular judicial proceedings had been held. The six partial distribution orders can be summarized as follows:

1. On May 26, 1971, the respondent Grimball signed an order of distribution in the amount of forty-two thousand seventy-four and 06/100 ($42,074.06) dollars in payment of a foreclosure judgment obtained by the Home Federal Savings and Loan Association, Columbia, South Carolina, and in payment of a judgment for the petitioner's unpaid legal expenses.

2. On May 26, 1971, the respondent Grimball signed another order of distribution for sixty-five thousand ($65,000.00) dollars to Flora Henry Plumer, the petitioner's sister, upon the request of the petitioner through her then-attorney, John B. McGrath.

3. On October 1, 1971, the respondent Grimball signed a third order of distribution in order to satisfy a judgment obtained by Robert F. Fowlkes & Co., against the petitioner in the amount of nine thousand six hundred forty-four and 90/100 ($9,644.90) dollars.

4. On March 6, 1973, disbursement in the amount of eighteen thousand four hundred nine and 60/100 ($18,409.60) dollars was made to Arthur T. Cole who had obtained a judgment against the petitioner. The disbursement was made pursuant to the respondent Grimball's order dated January 5, 1973.

5. On May 29, 1973, the fifth partial distribution order directed the disbursement of eleven thousand five hundred seventy-eight and 48/100 ($11,578.48) dollars to the South Carolina Tax Commission.

6. Finally, on September 7, 1976, Joseph R. Moss, Special Judge for the Court of Common Pleas for Richland County, South Carolina, ordered the distribution of seventeen thousand six hundred ninety-five and 73/100 ($17,695.73) dollars to the Internal Revenue Service in satisfaction of a federal tax lien. In addition, the September 7, 1976, order directed the disbursement of eighty-eight thousand three

hundred forty-nine and 60/100 ($88,349.60) dollars to Flora Henry Plumer and the sum of six thousand ($6,000.00) dollars to the law firm of Jenkins, Perry and Pride of Columbia, South Carolina.

Thus, the record would reveal total disbursements of three hundred sixteen thousand seven hundred fifty-two and 37/100 ($316,752.37) dollars from the original amount deposited, three hundred twenty-five thousand ($325,000.00) dollars, leaving a balance of eight thousand two hundred forty-seven and 63/100 ($8,247.63) dollars.

As to the petitioner's allegations in her Petition [Petition at 148] seeking disbursement of eight thousand ($8,000.00) dollars to William F. Able, she has not demonstrated therein that she has exhausted her right to appeal to the South Carolina Supreme Court the oral order of the respondent Grimball refusing to disburse that amount

nor, indeed, has she made any showing why relief is not available to her in the courts of the State of South Carolina.

ARGUMENT

I. Rule 30 of the Rules of the Supreme Court of the United States allows the issuance of any extraordinary writ authorized by Title 28, Section 1651(a) of the United States Code within the sound discretion of the Court, such discretion to be sparingly exercised and only in the most extraordinary cases.

As hereinabove set forth in the Statement, each disbursement order followed properly instituted proceedings by the Petitioner's creditors and others resulting in valid judgments against her. The actions taken by the respondent Grimball in ordering distribution of funds held by the Richland County, South Carolina, Clerk of Court to the petitioner's creditors were entirely proper and cannot now be collaterally attacked. The time to have contested the

judgments satisfied by the petitioner's funds on deposit with the Clerk of Court has long since passed and the issuance by the Court of the extraordinary writs sought by the petitioner is clearly not a proper or justified method of contesting such judgments.

Rule 30 of the Rules of the Supreme Court of the United States provides in part:

> The issuance by the court of any writ authorized by 28 U.S.C. § 1651(a) is not a matter of right but of sound discretion sparingly exercised.

In Ex Parte Fahey, 332 U.S. 258, 91 L.Ed. 2041 (1947), the Court noted that, although it has the power to issue such writs, such remedies being extraordinary, they should be reserved for "really extraordinary causes." The Petition herein as regards the respondent Grimball manifestly does not meet that standard. See also, Will v. United States, 389 U.S. 90, 19 L.Ed.2d 305 (1967); Platt v. Minnesota

Mining and Manufacturing Co., 376 U.S. 240, 11 L.Ed.2d 674 (1964); Bankers Life and Casualty Co. v. Holland, 346 U.S. 379, 98 L.Ed. 106 (1953).

Finally, while the Court has the authority to issue extraordinary writs such as those sought by the petitioner in aid of its appellate jurisdiction, this case does not fall within the scope of that authority. The Court has heretofore repeatedly declined to allow the petitioner review whether by appeal or by certiorari. See, Timmons v. South Carolina Tricentennial Commission, et al., and South Carolina Tricentennial Commission, et al. v. Timmons, supra, Timmons v. South Carolina Tricentennial Commission, et al., Civil Action No. 69-1002 (D.S.C. 1969), appeal dismissed, No. 14,342 (4th Cir. 1970), certiorari denied, 400 U.S. 833, 27 L.Ed.2d 65 (1970), Timmons v. Lawton, et al., Civil Action No. 74-2023 (D.S.C. 1975), affirmed, No. 75-2209

(4th Cir. 1976), certiorari denied, __U.S.__, 50 L.Ed.2d 611 (1976), petition for rehearing denied, __U.S.__, 50 L.Ed.2d 800 (1977); See, however, McGrath v. Timmons, __S.C.__ (No. 77-15 filed February 11, 1977), certiorari pending, __L.W.__.

CONCLUSION

For the foregoing reasons, the respondent Grimball prays that the petition herein be denied.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Karen LeCraft Henderson, of counsel for Respondent Grimball, and a member of the Bar of this Court, do hereby certify that in accordance with Rule 33, three (3) copies of Respondent Grimball's Brief in Opposition were served on Petitioner on this date by depositing same in the United States mail, postage prepaid, and addressed as follows: Annie Mary Timmons, Pro Se, 3104 Monroe Street, Columbia, South Carolina, 29205; said address being within five hundred (500) miles from the point of mailing.

This _____ day of July, 1977.

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